

THE  
RICHMOND  
HOWITZERS.



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⇒ 1861-1865. ←

COMPLIMENTS

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A SOUVENIR  
OF THE  
Unveiling of the  
Richmond Howitzer  
Monument

AT

RICHMOND, VIRGINIA,

December 13th, 1892.

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Address of Mr. Leigh Robinson,

WITH

Rolls of the Three Companies and Lists of Battles.

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1893.



# THE PARADE, AND THE ADDRESS AND CEREMONIES.

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The unveiling of the Howitzer monument on December 13, 1892, was the consummation of long-cherished plans on the part of the Richmond Howitzer Association.

The splendid figure stands as an object lesson in history to the descendants of these men, whose valiant deeds, no less than the memory of their comrades who fell in battle, are commemorated by its graceful lines.

The young cannoneer now stands on the triangular lot at the intersection of Grove avenue and Harrison street, to be known in all time as Howitzer Place—a figure of symmetry and beauty, an ornament to the surroundings, and a pleasing object for the eye of every passer-by to rest upon.

The deeper meaning of this memorial, so beautifully wrought in stone and bronze, was appreciated by all when it was exposed to view, and it was more completely responded to in the hearts of the old Howitzers than any emotion which has moved these veterans for many a day.

The occasion was one of sacred devotion, and, though the weather was unpropitious, the programme was carried out in detail with an earnest purpose that made it a perfect success.

The Howitzer Association and the Howitzer Artillery Company assembled at the armory at 1:30 P. M., and, headed by the Howitzer Band, marched to the Richmond Theatre, where the simple, but highly impressive, ceremonies preliminary to the unveiling took place. The lower part of the building was occupied by the Howitzer Association and company and the

Confederate veterans of Lee and Pickett camps. The dress circle and proscenium boxes were filled with an interested audience, many of whom were ladies.

The only decorations were the colors of the artillery and the blue banner of the Association.

Mr. J. B. Moore, president of the Association, presided, and the following gentlemen were among those upon the stage : Bishop Randolph, Hon. J. Taylor Ellyson, Judge George L. Christian, F. D. Hill, Thomas Booker, Carlton McCarthy, Joseph M. Fourqurean, W. L. Sheppard, James T. Gray, E. M. Crump, Captain B. Lorraine, D. S. McCarthy, Major W. B. Smith, Major H. C. Carter, Colonel John C. Shields, Rev. W. M. Dame, W. L. White, Colonel W. E. Cutshaw, Colonel G. Percy Hawes, Rev. Dr. W. W. Landrum (chaplain of the Howitzers), H. M. Starke, R. S. Bosher, Thomas H. Starke, and others.

The president introduced Rev. W. M. Dame, who, being a minister of the Episcopal Church, suggested that the ceremonies commence with repeating the Apostles' Creed and the Lord's Prayer.

This peculiar and impressive beginning was followed by an earnest prayer, the utterances of which met with responsive amens in the hearts of every Howitzer present. The petition was feeling and appropriate.

Mr. W. L. White introduced the orator of the occasion, and in doing so said :

*Mr. President, Ladies, and Gentlemen :*

Proud of the distinguished honor conferred upon me by the Association, I present to you with pleasure and satisfaction the silver-tongued orator of the Howitzer battalion, as brave and chivalrous in war as he has become renowned in peace.

At the battle of "Bethel" (it will be remembered), the first land engagement of the war, the Howitzers received their baptism of fire ; there the Confederates successfully met and repulsed the Federals with odds of from three to four against one, driving them panic-stricken back to the guns of "Fortress

Monroe," leaving their dead and wounded upon the field from which they were driven. Among the prominent men killed were Lieutenant Grebble, commanding the Federal artillery, and Major Winthrop, of Boston, commander of the famous "Billy Wilson Zouaves," and I may be pardoned for saying here that a braver man never drew sword in any cause. The next day a "Flag of Truce" was sent for his body, with the inquiry from General Butler, "What artillery was that which did such magnificent firing and execution?" General Magruder smiled and said, "Why, sir, it was nothing but a parcel of schoolboys, with primers in their pockets"; and true it was, for but few of them had reached the age of manhood.

It is of these boys and their heroism, from Bethel to Appomattox, that our distinguished orator will speak to you this afternoon, and while one of the battalion survives, who can recall and recite the deeds of daring of the Confederates dead and living, it can never be said of the honored dead—

Out of the world's way, out of its light,  
Out of the ages of worldly weather—  
Made one with death, filled full of the night,  
Forgotten as the world's first dead are forgotten.

We have read of the valor of the heroes of Marathon, Thermopylæ, and Ancient Macedonia, but, Mr. President, I have the honor to present to this audience this afternoon not only a gifted orator, but a "Virginian" (to the manor born), a Howitzer, and a hero of one of the grandest armies ever marshalled upon the field of battle. To this large and cultivated audience he needs no further introduction, and I present to you Mr. Leigh Robinson, an adopted citizen of Washington city.

Mr. Robinson spoke without referring to his manuscript, and held his comrades in arms spell-bound for more than an hour. The attention was breathless except when references were made to the heroism of those in whose memory they met, and then shouts of approval were heartily given. A neat compliment was paid to Mr. W. L. Sheppard, the artist who designed the monument.

Mr. Robinson spoke in measured voice, and it was only at the most emotional points that he used a few graceful gestures to enforce the impressiveness of his words. The speech was in every way appropriate to and worthy of the occasion. It was as follows :

*My Friends and Fellow-Howitzers :*

I cannot better introduce what I have to say than by the words of a legend of the East: "When the lofty and barren mountain was first upheaved into the sky, and from its elevation looked down on the plains below, and saw the valleys and less elevated hills covered with verdant and fruitful trees, it sent up to Brahma something like a murmur of complaint. Why thus barren? Why these scarred and naked sides exposed to the eye of man? And Brahma answered: The very light shall clothe thee, and the shadow of the passing cloud shall be as a royal mantle. More verdure would be less light. Thou shalt share in the azure of heaven, and the youngest and whitest cloud of the summer's sky shall nestle in thy bosom. Thou belongest half to us."

"So was the mountain dowered, and so, too," adds the legend, "have the loftiest minds of men been in all ages dowered. To lower elevations have been given the pleasant verdure, the vine, and the olive. Light, light alone, and the deep shadow of the passing cloud—these are the gifts of the prophets of the race."

And so, I will add, so is it with the eminences of self-sacrifice. Out of convulsive wrestle are they lifted. The winds and the rains contemn them. The hail strips them bare. The lightning by which they are torn is their scepter. The tents of the tempest are pitched on all their summits of endeavor, and the deep scar of the tempest signed upon their brow is their diadem. And yet, as the mountains are the backbone of the earth, and put their own chains on the continents which anchor to them, making our earth an earth of mountains, so from age to age the true heart rallies to the moral eminences of which I speak. All that is soundest in us clings with a vol-

untary homage to the suffering heights. Consciously or unconsciously the high instinct of mankind receives their lofty yoke. Heaven and earth mingle on their summits. Over the wide landscape of humanity falls the eloquence of their light and their shadow. Infinitely true is it, "To bear is to conquer."

Never was constancy so perfect and so pure as that of the people of the South to their warriors. For once gratitude to the past is not inspired by the hope of favors to come. The mercenary motive is curiously absent. The knee which bends, the heart which throbs, is the welcome of respect to the intrinsically worthy—the unbought homage never truly known, save by virtue in misfortune, when like a queen, but like a queen in exile, she counts the number of her suitors by the poverty of her reward. This is the proud pathos of defeat with honor. Thus heroes conquer even in their fall. So reign their ashes, "dead, but sceptered."

#### THE STORY'S PURITY.

It were sad indeed if no word could be spoken in behalf of that "story's purity," the justification whereof is now removed from the forum of arms to the bar of history and the scales of time and truth. The story of anti-slavery agitation to-day is written for the world by the enemies of the South, and truth is not always the weapon of their choice. We are the camp of slaves; they are the camp of freedom. The victor is wont to have his own pleasant version of the cause, which has been accepted by stoic fate, if not by Cato's justice. That in the middle of the nineteenth century there were many opposed to slavery is certainly no matter for surprise, and as little for condemnation. It may seem, indeed, a slight inconsistency that every one of the colonies which joined in the Declaration of Independence was at the time a slave-holding colony. Nevertheless it is the fact that each shared a common responsibility therefor, which differed in degree with the differing utility thereof. The issue between the North and the South was not so much an issue between freedom and slavery, as the issue whether those who had formed a federal compact with slave-

holding States, upon an agreement not to interfere with their slaves, had any greater right to do so, than they had in the case of Cuba and Brazil, with whom they had no such compact. The supreme issue was whether the United States Government was one of such unlimited authority that it could do what it pleased, by giving fine names to usurpation, as, when the guest at a hotel complains that the brand he wants has not been brought, the waiter before his eyes rubs off the undesired label and puts on the desired one. The real issue was whether, under the fine name of "general welfare," the whole power of the Government could be perverted to private welfare, and whether, in keeping with the Federal compact, under the fine name of freedom, commonwealths could be extinguished. So far as slavery was concerned, a century hence history will chiefly discover a race between the very lightly and very heavily encumbered, and the great self-applause of the former that they were the first to reach the goal. It is not so exact to say that slavery in the South was the cause of the war, as to say that it afforded an opportunity for the war. It is proper to bear in mind the abrupt revolution of society which was demanded by those who would be themselves unaffected by the revolution.

The first book of Justinian, which gives us our definition of justice—*justitia est constans et perpetua voluntas jus suum cuique tribuendi*—gives also the derivation of slavery—*servi autem ex eo appellati sunt quod imperatores captivos vendere, ac per hoc servare non occidere solent; qui etiam mancipia dicti sunt, eo quod ab hostibus manu capiuntur*. A strong man has his antagonist at his mercy, is able to take the life of him; rather than suffer him to live antagonist will do so. In humanity's great internecine war, wherein survival is conquered by exterminating hostility, root and branch, the conqueror leads back the captive of his spear. Their relations are those of victor and victim. The fact of supremacy has been settled and, by the rule of primitive war, one life is forfeit to the other. When, then, the victor did not slay, but spared the victim and suffered him to live, not as a rival, to be sure, but as subject; to

retributively serve in return for the life which had been donated, and was gratuity—it was the very charity of a redeeming gospel, breaking through the crust of “old dispensations,” of an eye for an eye and a tooth for a tooth, tempering with the hand of mercy the iron hand. It is not extravagant to say that this was the first redeeming sign in the storm and terrible joy of war. The stronger included the weaker; the two were co-operant; social, not dissocial. Their blows, no longer rival, rang in unison, each sending the other farther. It was a large concession to humanity when Cæsar, at the battle of Pharsalia, granted permission to every man in his army to save one enemy. Only the nomad life existed until servitude existed. The “mighty hunter” had no accumulated spoil wherewith to feed dependents. Outside of his limited, mutable camp his hand was against every man, and every man’s against him. No civilization could ripen in the saddle of the Bedouin, or under his restless tents. He neither plants nor builds. That which to-day were the incurable evil of society—that it be stationary—in the beginning, was the one anchor of hope; that the human group should stay in one place long enough to catch the contagion of humanity. Property in the soil arose with property in man. All progress, all empire, all the law, and all the piety of the ancient times grew up around this centre. Competition, as a motive force, is about coeval with the impulses thrown into the great world scales by the voyage of Columbus. Voluntary co-operation has just begun. There was no permanent property until there was permanent force, nor continuous production until there was servitude. This was the inexorable necessity of civilized life. Prior to it man cannot be said to have even lived by bread. But by it man planted himself behind the stone wall, on which has grown the moss of ages, and ceased himself to be the rolling stone which gathers no increase. He stood upon the ancient ways and boundaries, and said to the predatory nomad without: “Thus far, and no farther.” The stability of agriculture came for the first time when men could be fastened to the soil and forced to work it; when unanimity of labor had been acquired.

The army of labor, like the army of battle, was first victorious when it poured its sinew and its fire from the iron energy of a single will. It was the slaveholder, and only the slaveholder, who could take up the fifth part of the land of Egypt and store it against the years of famine. It was from agriculture that the city sprang ; after which man was no longer dependent, like the wild beast, upon the lair of nature. The first great stride of progress which carried man to civilized permanence was borne upon the back of slaves. However rude, however violent this origin, the substance of it was the protection by strength of weakness, which could not save itself, and the unconditional service of that weakness to its only savior. Slavery meant salvation.

#### BASIS OF CIVILIZATION.

On this agricultural basis and organized social strength all ancient civilization was reared, and on this same organization modern Europe had been formed. For six thousand years slavery had been the customary law of the civilized world. Undoubtedly the elements existed of another structure of society, which may be considered to have been prophesied from the beginning by the very nature of a being organized to communicate, and still more certainly included in the realization of the era which displaced Cæsar's tribute. This is the movement, much retarded, oft reversed, but the inevitable, and, on the whole, invincible, movement toward the reign of commerce. But the retirement and disappearance of the old supremacy has been a very slow retreat—inch by inch stubbornly contested. Not until the memory of men now living did the scepter decisively pass from the agricultural dominion, and slavery was not doubtful until that scepter began to waver. In 1713 the twelve judges of England, headed by Chief-Justice Holt, replied to the Crown : "In pursuance of His Majesty's order in counsel, hereunto annexed, we do humbly certify our opinion to be that negroes are merchandise." During the whole of the eighteenth century England reserved to herself, by the treaty of Utrecht, the monopoly of importing negroes.

to all the Spanish colonies—that is to say, to nearly all South America. The fact is noted, by the annotator of Talleyrand's Memoirs, that when the English colonies had a proportion of twenty blacks to one white, it occurred to them to be indignant at the immorality of the traffic. The declaration that the slave trade was repugnant to universal morals was signed by the European Powers, for the first time, at the Congress of Vienna, and not then by Portugal or Spain.

But, such is the irony of fate! there was one country of the world, and that a purely agricultural dominion, which, in the eighteenth century, opposed itself to slavery with all the power it could wield. That country was Virginia, the patriarch of the colonies. Slavery had been forced upon Virginia, and in the teeth of her remonstrance, by the arbitrary power of Great Britain. Twenty-three statutes were passed by the House of Burgesses to prevent the importation of slaves, and all were negatived by the British king. Virginia was the first State to prohibit the slave trade, under heavy penalties. The only qualification to this statement is that Georgia, under Orglethorpe, did prohibit the introduction of African slaves until 1752, when the proprietors surrendered the charter and it became part of the Royal Government. In 1749, the evangelist Whitfield wrote: "One negro has been given me; some more I propose to purchase this week." "This confirms me in the opinion that Georgia never can be a flourishing province without negroes are allowed."<sup>\*</sup> In the midst of the Revo-

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\*At an early period, permission was given to any Connecticut planter, injured by an Indian, "to ship him to the West Indies and exchange him for neagers." In 1759, the legal representatives of the eminent moralist, metaphysician, and divine, Jonathan Edwards, of Connecticut, by a bill of sale, and for a valuable consideration, transferred the title to two negro slaves, viz., Jo and Su his wife, "which slaves were lately the proper goods of said Jonathan Edwards, deceased, and were by him bought of one Hezekiah Griswold, of Windsor; and we, the said Timothy Dwight, Jr., and Timothy Edwards, do covenant," &c. In 1764, when the sugar act was threatened by the British Government, the merchants of Boston and the merchants of New London remonstrated against the act, for the reason, amongst others, that it prevented the exportation of "rum distilled here to Africa to purchase slaves for the West India market." One of the Senators of Rhode Island, in 1821, James D'Wolf, was himself largely engaged in the slave trade, and resigned his seat in 1825, that he might remove to Havana to become the president of a slave-trading company.

lution, as early as October, 1778, the law of Virginia went forth that thereafter no slaves should be imported by sea or land into the jurisdiction of her Commonwealth. One of her first acts, when she had shaken from her the power of the throne, was to write that edict of emancipation for territory of her own, which she ever denied was in the power of any one to write for her. She wrote it for the territory which her enterprise and valor had wrested from the grasp of France. Whatever she might choose to do herself, it were hard to conceive a more arrogant claim than that the North could deprive her of an equal right in the territory of her own donation. Even in respect to this territory, the agreement of Virginia was without any equivalent whatever, and the ordinary principles of *nudum pactum* might have been applied to it. The Treaty of Independence with Great Britain, in 1783, carefully stipulated that the British should not carry away "any negroes or other property of the American inhabitants," as afterwards the Treaty of Ghent, in 1814, spoke of "slaves or other private property." At the former period, certainly, no authoritative expression of the thirteen colonies would have denied that there was property in man. It is true, that in those States where negro labor was unfriended by the climate, and therefore unprofitable to the master, the slaves were few, and at the date of the Constitution slavery had virtually worn out in Massachusetts. This influence of soil and climate, following in the tow of the subtler and deeper force now swiftly growing to man's estate—the rising force, one might say, the rising world of commerce—these potent persuasions were already combining to force the issue between the former and the latter reign. The Constitution of the United States was, therefore, a distinct bargain between the North and the South for the security of slave property; for which a redundant consideration was received by the former, in the control and regulation of commerce, by a simple majority, instead of a two-thirds vote. From Virginia came the chief opposition to the continuance of the slave trade. That trade was continued for twenty years, not by the vote of the solid South, but of a solid New England. "Twenty years,"

exclaimed Madison, "will produce all the mischief that can be apprehended from the liberty to import slaves." And George Mason rebuked the melancholy choice of Mammon, for that "some of our Eastern brethren had, from a lust of gain, engaged in this nefarious traffic." With a prophet's majesty he implored the South to reject the provision extorted as a price of this concession, the provision to pass commercial laws by simple majorities. This, he said, "would be to deliver the South, bound hand and foot, to the Eastern States, and enable them to say, in the words of Cromwell on a certain occasion: 'The Lord hath delivered them into our hands.' "

#### A NEFARIOUS TRAFFIC.

Public opinion had as yet experienced no violent displacement as to the merchantable quality of negroes, for the very States in which slavery itself had ceased, or was ceasing to exist, were those most actively engaged in the traffic in slaves.\*

In the original draft of the Declaration of Independence Jefferson had denounced the king for warring against human nature. "Determined to keep an open market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable traffic, and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting these very people to rise in arms amongst us and to purchase that liberty of which he had deprived them, by murdering the people on whom he has obtruded them." This denunciation was stricken out partly in deference to South Carolina and Georgia. "But," adds Jefferson, "our Northern brethren also, I believe, felt a

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\*A dispatch from Hartford, Conn., to the Boston *Herald* says: Many of Connecticut's old-time Abolitionists have greeted Jason Brown, son of John Brown, the martyr of Harper's Ferry, who has been visiting here for two or three days past. \* \* In referring to the slavery question he gives this significant opinion: "I believe that slavery was a sectional evil, and that the people of the North were as much to blame for its long continuance as the people of the South. Why? Because the old slave States of Massachusetts, Connecticut, Rhode Island, New York, and Pennsylvania, when they found slavery no longer profitable, sold their slaves to other people of the South and pocketed the money. To be sure, a few liberated their slaves—noticeably, the Quakers."—*Baltimore Sun*, June 2, 1891.

little tender under these censures, for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others.” But no similar tenderness had operated to exclude the substance of this protest, from the preamble to the Constitution of Virginia, which had been adopted the preceding month, and which, among other perversions of the kingly office, which justified the separation and independence of Virginia, alleges this: “By prompting our negroes to rise in arms among us, those very negroes, whom by an inhuman use of his negative, he hath refused us permission to exclude by law.” The importation of slaves into the South was continued by Northern merchants and Northern ships until it was prohibited by the spontaneous action of the Southern States themselves, which preceded or was contemporaneous with the legislation of Congress in 1807. Antecedent to the adoption of the Constitution, South Carolina passed an act prohibiting, under severe penalties, the importation of negroes from Africa. In 1803 this act was repealed, for the reason assigned in Congress by Mr. Lowndes, that it was impossible, without aid from the General Government, “to prevent our Eastern brethren from introducing them into the country. Had we received,” he said, “the necessary aid from Congress, the repeal would never, in my opinion, have taken place. \* \* \* \* I wish the time had arrived when Congress could legislate conclusively on the subject.” I fail to find the evidence that property in man was an obnoxious doctrine at the North until property in man wholly ceased there to be lucrative. Small as the number of slaves necessarily was to the north of Maryland, in several of them slavery existed for more than fifty years after the adoption of the Constitution. Where the interest was so limited and the emancipation so gradual no great shock to society could well occur, especially as in the bulk of cases the emancipator, with no qualms of conscience whatever, received the full value of his slaves from those who bought them. The historian, Bancroft, is authority for the statement that more slaves were emancipated by last will and testament in Virginia than were ever set free in Pennsyl-

vania or Massachusetts.\* Moreover, emancipation in the North, when it came, was accompanied by no recognition of equality. Prior to 1861 no negro in Massachusetts had ever been a member of its Legislature, or served upon the jury or in the militia, or been appointed to any office beyond one of menial grade. This was freedom with the recognition and opportunity of freedom severely omitted—"the name of freedom graven on a heavier chain"—heavier because it was the expression of a more invincible barrier than that of law, and breathed a more superlative scorn. In the second volume of his commentaries Chancellor Kent thus describes the relation of the races: "The Africans are essentially a degraded caste of inferior rank and condition in society. Marriages are forbidden between them and the whites in some of the States, and, when not absolutely contrary to law, they are revolting and regarded as an offense against public decorum. By the Revised Statutes of Illinois, published in 1829, marriages between whites and negroes or mulattoes are declared void, and the persons so named are liable to be whipped, fined, and imprisoned. By an old statute of Massachusetts of 1705 such marriages were declared void, and are so still." This summary was cited and corroborated by the Chief Justice of Connecticut as late as 1834.† The Supreme Court of Pennsylvania decided in 1837 that a negro or mulatto was not entitled to exercise the right of suffrage. It was not until July 4, 1827, that New York was ranked among the free States, and when the Constitution of 1846 was adopted negro suffrage was negatived by a vote of four to one. As late, certainly, as the date of the Dred Scott decision the Constitution of New Jersey restricted the right of suffrage to all white persons.

#### SLAVERY IN THE SOUTH.

This course of legislation in the North illustrated the recognized discrepancy of the races. Statute did not confer it, and statute could not take it away. Slavery in the South rested upon the natural supremacy of the white race over the black,

\* Bancroft's History United States, Centennial edition, vol. VI, p. 304.

† *Crandall v. The State*, 10 Conn. 346.

and the total and inevitable disqualification of the latter for an equal struggle with the former. Labor in the South, unlike Oriental bondage, Roman servitude, and feudal villanage, was not the subjection of equals, differing in opportunity, but the subjection of one extreme of humanity to the other, of the most abject to the most enlightened. The real inequality of the races had made subordination prescriptive. No higher encomium could possibly be pronounced upon the practical beneficence of Southern institutions than the one tacitly sanctioned by the last amendment, viz : that they had been sufficient to educate the lowest of earth's savages to take his place among the highest of earth's freemen. As population increases it becomes cheaper to hire labor than to buy or own it; or, borrowing the phrase of Carlyle, to hire for years rather than for life. The labor of slavery ceases to be worth the capital involved in its support. The coercion of authority is replaced by the coercion of want, and the obligation to protect by the liberty to oppress. Nothing could be truer or wiser than that which was said by John Randolph in the Senate of the United States: "The natural death of slavery is the unprofitableness of its most expensive labor. \* \* \* The moment the labor of the slave ceases to be profitable to the master—or very soon after it has reached that stage—if the slave will not run away from the master, the master will run away from the slave ; and this is the history of the passage from slavery to freedom of the villanage of England."

The reasons of geography and worldly gain, which created such divergence of destiny North and South, are given by Judge McLean, in his dissenting opinion in the Dred Scott case : "Many of the States, on the adoption of the Constitution, or shortly afterwards, took measures to abolish slavery within their respective jurisdictions, and it is a well-known fact that a belief was cherished by the leading men, South as well as North, that the institution of slavery would gradually decline until it would become extinct. The increased value of slave labor, in the culture of cotton and sugar, prevented the realization of their expectations. Like all other communities and States, the South

was influenced by what they considered their own interests.” The peculiarity of the situation was, that while the people of the South were acting “like all other communities and States,” they were abused and accused as though none other had ever been so wicked, and as though their abusers and accusers had ever lived void of offense before God and man. The accusers, who had so comfortably purged themselves of their own sins, suffered such a very brief interval to elapse before arraying themselves in their white raiment for the excommunication of others, who, it is true, had moved more slowly, but had so very much more difficulty to overcome and expediency to resist. One cannot but recall that which is narrated of Zachary Macaulay (the father of Thomas Babington), who made a fortune in the slave trade, and, when that was done, joined the anti-slavery people, and secured some handsome appointments by attacking the aforesaid business. It was well said, on the floor of the Virginia Legislature, by John Thompson Brown, in an answer to English invective: “They sold us these slaves—they assumed a vendor’s responsibility—and it is not for them to question the validity of our title.” And it was equally relevant to say to some others: “Your position involves the right of a grantor to revoke a grant, without the consent of the grantee for value, and the right of one party to a compact to retain the whole consideration moving to him while repudiating every other.”

#### MR. JEFFERSON’S SCHEME.

A scheme of gradual emancipation had been proposed by Jefferson as early as 1776, and the general scheme of it approved by the convention which framed Virginia’s Constitution in that year, but no action was taken, because “the public mind would not yet bear it.” “Nothing,” wrote Jefferson, “is more certainly written in the Book of Fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them.” Here plainly was a difficult air for statesman-

ship to breathe, a problem which might well vex the noblest. By what bond, other than the one existing, could darkest Africa and free America, the antipodes in race as in geography, dwell side by side in useful co-operation? Whatever might be written in the Book of Fate, when it was equally legible that the two races equally free could not live in the same government, what was the solution? This, on a very different scale from anything which ever existed in the North, was the problem which confronted the South, springing from no choice or voice of her own, but against her choice and against her voice. In 1830 there were movements in Tennessee, Kentucky, Maryland, and Virginia for the gradual emancipation of their slaves, and the movement in Virginia had nearly succeeded. It was the aggression of the abolitionists which arrested the movement in all these States.\*

#### GRADUAL EMANCIPATION.

Connecticut will serve to illustrate the simplicity of the problem encountered at the North. In 1784 a scheme of gradual emancipation was enacted for the slaves—some 3,000 in number—then in the State.

It was not until 1848 that the emancipation of this small number was completed. Down to 1848, by the law of the State, slaves were chattels, which could be sold by legal process, and which were assets in the hands of an executor. Gradual as this emancipation was, the preamble to the act of 1784 declares that it was as soon as it could be done, “consistent

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\* “The States of Virginia, Kentucky, and Tennessee were engaged in practical movements for the gradual emancipation of their slaves. This movement continued until it was arrested by the aggressions of the Abolitionists upon their voluntary action. This action was prompted by economical, rather than moral reasons. The Abolitionists, however, refused to accept an impending fact, and insisted upon convicting as criminals those who were so well disposed to bring about the very result at which they themselves professed to aim. The consequences were such as might have been reasonably expected. Promised emancipation refused to submit itself to hateful abolition. Those three border States placed themselves at once upon the Virginia and Kentucky resolutions of 1793, and, resenting as an insult the interference of the Northern intruders, abandoned the scheme which a calm view of considerations, tending to their own future welfare, had induced them to form.”—*Origin of the Late War. George Lunt, Boston, p. 34.*

with the rights of individuals and public safety.” What “individual right,” what “public safety” was ever cared for by the inimical commonwealths which banded with such zeal for the reproof and edification of the South? Having no longer sins of their own to repent of, there was nothing left for them to do but to repent day and night of the wickedness of the South. There were, however, alleviations to this kind of repentance which reduced its heroic dimensions. It was a vicarious transaction which eluded altogether the crown of thorns for the angels of repentance, and plaited it exclusively for the brows of them whose sins they ransomed. They repented proudly. One might speculate as to what might have been the effect upon their trivial task had Canada possessed the power and disposition to play their part (with the unrestricted right to do so, which resided no longer in the North); had every wind from that further North borne the poisoned arrow of a hate which never slept. Is it the rule for men to be convinced by execration and imprecation? It were a severe task upon credulity to be expected to believe that the benevolence which referred to slaveholders as “bloodhounds,” and to their community as the “small-pox,” seriously desired to convert the sinners so approached. If missionaries thus approach the heathen their rate of progress is accounted for. This was not the frame of mind wherewith to convert opinion, but was the frame of mind wherewith to persecute opinion.

#### ALMOST PLAINTIVE.

There is something almost plaintive in the reply of Henry Clay to Mr. Mendenhall. It was as meek as an imperious spirit knew how to be: “Without any knowledge of the relations in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate the whole of them. Now, let me tell you, that some half dozen of them, from age, decrepitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform

to the dictates of humanity by ridding myself of that charge, and sending them forth into the world with the boon of liberty to end a wretched existence in starvation? \* \* \*

"I own about fifty, who are probably worth \$15,000. To turn them loose upon society, without any means of subsistence or support, would be an act of cruelty. Are you willing to raise and secure the payment of \$15,000 for their benefit if I should be induced to free them? The security of that sum would materially lessen the obstacle in the way of their emancipation."

But, even when such security was provided by the slaveholder, the way was far from smooth. One instance occurs to me, with which was associated a revered relative of my own. John Randolph—and I can never mention the name of this transcendent flame of genius without recalling the incalculable debt which Virginia owes to his singleness of heart and purity of service—John Randolph, by a will executed in the presence of Mark Alexander and Nathaniel Macon, had made Judge William Leigh the residuary devisee and legatee of his valuable estate, subject to certain specific legacies and provisions. The most important of these provisions was that of the means to enable the executor of the will to transport the slaves of the estate (set free by a previous clause), and settle them in some other State or territory. He appointed Judge Leigh his executor. The will was contested on the ground of the mental unsoundness of the testator. Judge Leigh, well aware that the emancipation of these slaves had been the undeviating purpose of Randolph's life, relinquished his absorbing interest under the will that he might become a witness in support of it, and so, at least, accomplish the particular intent to which I have referred. To this extent the will was, in effect, sustained, and Judge Leigh was appointed commissioner to transport and settle the negroes as provided therein. The State selected for the settlement was Ohio, but when the commissioner landed his first interview was with a mob, formed to resist and repel the negro settlement. The clearest glimpse of the state of feeling is derived from the newspapers of the time.

## A NEWSPAPER ACCOUNT.

From the *National Intelligencer*, July 15, 1846 :

"The *Cincinnati* (Ohio) *Chronicle* of the 9th instant says that the emancipated slaves of John Randolph, who recently passed up the Miami canal to their settlement in Mercer county, Ohio, met with a warm reception at Bremen. The citizens of Mercer county turned out *en masse*, and called a meeting, or rather formed themselves into one immediately, and passed resolutions to the effect that said slaves should leave in twenty-four hours, which they did, in other boats than the one which conveyed them there. They came back some twenty-three miles, at which place they encamped, not knowing what to do."

From the *National Intelligencer*, July 24, 1846 :

The *Sidney* (Ohio) *Aurora* of the 11th says: These negroes (the Randolph negroes) remain on Colonel Johnson's farm, near Piqua. That paper condemns in decided terms the conduct of the citizens in Mercer in the late outbreak, and insists that "they should have made their objections known before the land was purchased, and not waited until they had drawn the last cent they could expect out of the blacks—some \$32,000—and then raised an armed force and refused to let them take possession of their property as they have done. We look upon the whole proceeding as outrageous in the extreme, and the participators should be severely punished. What makes the thing worse is the fact that a number of those, who were fiercest in their oposition to the blacks and loudest in their threats to shoot, etc., were the very ones who sold them land, received wages for constructing the buildings, and actually pocketed a large amount of money for provisions, not two weeks before the arrival of the poor creatures whom they have so unjustly treated."

*National Intelligencer*, August 10, 1846 :

*The Randolph Negroes*.—The last *Piqua* (Ohio) *Register* says: "These unfortunate creatures have again been driven

from lands selected for them. As we noticed last week, an effort, which it was thought would be successful, was made to settle them in Shelby county, but like the previous attempt in Mercer it has failed. They were driven away by threats of violence. About one-third of them, we understand, remained at Sidney, intending to scatter and find homes wherever they can. The rest of them came down here to-day, and are now at the wharf in boats. The present intention is to leave them wherever places can be obtained for them. We presume, therefore, they will remain in the State, as it is probable they will find situations for them between this and Cincinnati.”

*National Intelligencer*, August 15, 1846 :

*John Randolph's Negroes*.—“It is said that these unfortunate creatures have been again driven away by threats of violence from the lands which had been secured for them in Ohio, and that Judge Leigh, despairing of being able to colonize them in a free State, has concluded to send them to Liberia.”—*Richmond Republican*.

#### A CONTRAST.

The negroes were finally allowed to occupy the land for which they had paid ; but what a very invigorating sympathy did these two emancipators excite in this free State ! Here was one Virginian who had emancipated by will numerous slaves, and here was another who relinquished a large estate to secure the fulfillment of this part of the will. The response to them from the North was mob violence and contumelious scorn. What was a poor belated Virginian to do ? If his slaves went North with his consent, stones and curses were good enough for them ; they were only welcome when they went without it. In effect it was said : Your negroes are intolerable to us ; we are not willing to accept the companionship of a very small number, even on the terms of no cost to ourselves, and all their expenses paid, but we will not cease to weary you with our importunity to set free and provide for your millions, and to do it, as Mr. Mendenhall said, “forthwith.” Crusaders are not

unapt to be a trifle derelict in magnetism when their solicitude is to convert every one except themselves.

That which the North demanded of the South, as their expository supplement has shown, involved the admission of the improvised freedman to all those privileges which in the land of the crusaders had been so curiously overlooked, including that which at the North could not possibly exist—the power at the polls to exchange the barbarism of Africa for the civilization of the United States. Mr. Freeman, in his "Impressions of the United States," with the judicial calm which tempers all his writings,\* has stated the problem as it was and is presented to the South: "There is, I allow, difficulty and danger in the position of a class enjoying civil, but not political rights, placed under the protection of the law, but having no share in making the law or in choosing its makers. But surely there is still greater difficulty and danger in the existence of a class of citizens who, at the polling booth, are equal to other citizens, but who are not their equals anywhere else. We are told that education has done and is doing much for the once enslaved race. But education cannot wipe out the eternal distinction that has been drawn by the hand of nature. No teaching can turn a black man into a white one. The question which in days of controversy the North heard with such wrath from the mouth of the South, 'Would you like your daughter to marry a nigger?' lies at the root of the matter.† Where the closest of human connections is in any lawful form looked on as impossible, there is no real fellowship. The artificial tie of citizenship is in such cases a mockery."

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\* "Professor Freeman's sympathies were strongly marked, but they never caused him to swerve from truth, and they rarely caused him to swerve from justice."—*New York Nation, April 14, 1892.*

† For years the repetition of this question has been the standing gibe whereby the missionaries of a higher culture have exposed the illogical and slightly barbarian mental attitude of the South. But to this enlightened scholar the question seems to have several signs of hereditary intelligence.

## THE SEQUEL.

The sequel has shown that the Northern movement meant a reconstruction of society which could only be made effective by force. It carried in its wake the expulsion of a State legislature from its proper hall by the bayonets of the United States. It meant, the emancipators themselves being judge, that government of force which is indispensable when nature is superseded. It meant that which for eight years we had—a government of the bayonet, by the bayonet, and for the bayonet. One who has gained his title to popular applause by meriting the title of "Czar" very lately renewed his adhesion to this very peculiar type of popular government. "They said," he exclaimed, "we could not coerce a State. We coerced eleven. I wish our Republicans had more courage, and we should coerce them until liberty prevails all over this land." In one sense, the speech is logical. It is the reasoning of the logicians who, "false to freedom, sought to quell the free." Only by force bills is the argument of the South refuted. And yet it is a droll idea of liberty which seeks to instill its blessings at the point of the sword. The distinction between freedom and despotism grows so alarmingly indistinct. No better proof could be given of the extent to which the movement, vainly resisted by the South, has revolutionized free institutions than that such compulsory freedom should have been the serious thought and purposed order of the day.\*

Nevertheless, in the same year in which Virginia emancipation was receiving such cold comfort in Ohio, on all other questions, financial, economic, and constructive, the mind of Thomas Jefferson had become the governing mind of the country. The principle of "justice to all, and special privileges to none," became in this year the unmistakable choice of the States and of the people, and was dethroned only by the civil war. The

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\* "What is all the noise in the streets?" said a gentleman in the conscription times in New York. "Oh, nothing, sir," said Pat. "They are only forcing a man to turn volunteer." Such would be the comedy of the new logic if its serious adoption does not turn it into tragedy.

tariff of this year had restored the revenue standard which, four years earlier, had been displaced. . It was soon made manifest that this tariff could only be criticised as being too high, and that the welfare of the country called for still further reduction, which, in 1857, was enacted. Upon this, the important financial issue of the time, Massachusetts was seen side by side with Virginia—the State of the Adamses with the State of Jefferson. The country was thriving, and the one problem was to guide the natural flow of prosperity within natural bounds. The type of government which bases its appeal for support upon governmental aids to special interests, and alliance, if not partnership, with them ; upon bounties to favored classes, and the influence purchased by such favor ; had received a complete, and, had it not been for the passions of the anti-slavery agitation, there is every reason to believe, a final defeat. From the time of the decisive overthrow of this class legislation in 1846, and because of such overthrow, the country had prospered.\*

No party appeared in any force from 1846 to 1860 to dispute the salutary tendency of this legislation. It was "a condition, and not a theory," which was thus impregnable. The just reward of the general industry did not stagger under burdens imposed for the creation of excessive dividends to a few. On every legitimate subject of debate the State rights administration of affairs had extorted the acquiescence, if not the welcome, of traditional foes. Government was honestly administered, and not honeycombed by the corruption which is to-day referred to as the necessity of politics. There was prosperity without bounties ; trade without subsidies ; a character which could stand alone and implore no staff for either infancy or old age. The winds of onward movement filled every sail. The gallant masts did not bend as the goodly timbers sped forward with the goodly freight. The happy result was felt of leaving industry free ; of protecting, one might say, not its infancy

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\* "Take the decade from 1870 to 1880, our increase in general prosperity under Republican high tariff was about 20 per cent., while during the decade from 1850 to 1860, under the Democratic revenue tariff, our general prosperity increased nearly 100 per cent."—*Speech of Hon. H. G. Davis, of West Virginia.*

(and thereby prolonging it), but its freedom, divested of restraints and unforced by bounties.

### THE FORBIDDEN FRUIT.

Alaska alone excepted (and in some sense this, too, was no exception), all the additions to Federal territory have been made under Southern administrations; and now, as the result of the war with Mexico, there was another, not inferior to that of 1803, but which was, nevertheless, in the language of the South's great statesman,\* "the forbidden fruit." At the time of the Missouri compromise, the prophetic mind of this new world had read the result of that much-vaunted business in the foundations on which it rested. The notes of alarm fell upon his ears like a "fire bell in the night," and with a patriot's fire he translated to his countrymen the significance of those feet, "part of iron and part of clay." "The leaders of Federalism, defeated in their schemes of obtaining power by rallying partisans to the principle of monarchism—a principle of personal, not of local division—have changed their tack and thrown out another barrel to the whale. They are taking advantage of the virtuous feeling of the people to effect a division of parties by a geographical line; they expect this will insure them on local principles the majority they could never obtain on principles on Federalism. \* \* \* Are our slaves to be presented with freedom and a dagger?" This was what Jefferson termed "treason against human hope." Never was truer sentence written than one which has often been, but cannot be too often quoted: "A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated, and every new irritation will mark it deeper and deeper." But never was the power of persistent misstatement so signally exhibited as in the accepted belief that this compromise, reluctantly assented to by the South as one in derogation of her rights, was by the South broken and by the North kept. The opposition to the compromise came invariably from the North whenever

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\* Calhoun.

the South was the beneficiary of it. It was the South which proposed the extension of the line to the Pacific, and the North which rejected it. The settlement of 1820 had been already dishonored by denial, and by denial from the North, when, in 1850, it was ignored and annulled on both sides of the line. This was the exceeding wickedness of the South—to think that the name should correspond with the reality; to think that when the reality had ceased to exist, the utility of the name was not excessive; that when the practical operation of the compromise had been repudiated by the North, with every expression of scorn and contempt, the dead letter need cumber the statute book no longer. And, after all, what was the practical effect of such a settlement as derived from actual experience. It had been witnessed in the case of New Mexico, the most important of the territories, which had been organized for more than ten years, which was open to slavery by the settlement of 1850; whose climate was suitable, which adjoined Texas. It had an area of 2,000,000 square miles, and at the end of ten years there were upon its soil only twenty-two slaves, and of these only ten were domiciled. Did it injure the negro; did it augment slavery? If there was one man who, more than any other, was the author of freedom in this Western hemisphere, that man was Thomas Jefferson. He was not seeking to augment or prolong slavery when he wrote to Mr. Holmes, of Massachusetts, who agreed with him: "Of one thing I am certain: that as the passage of slaves from one State to another would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionately facilitate the accomplishment of their emancipation by dividing the burthen on a greater number of coadjutors." This was the great iniquity which caused the whole Western reserve of Ohio, in a single day, to turn from Whig to Republican.

#### A TEST QUESTION.

On January 11, 1838, the principle of the Kansas-Nebraska act had been made a test question, by the final resolution of

the series, which on that day passed the Senate by a vote of nearly four to one. On December 11, 1838, resolutions covering the same ground as to the territories were introduced into the House and passed by large majorities. The question involved in the Kansas-Nebraska act had been established, as far as the nearly unanimous agreement of both houses could establish it, sixteen years earlier, without creating any excitement whatever. It had received the *imprimatur* of the States and of the people.

It was not the South which arrayed itself against the only sovereignty known to this country—the sovereignty of law. The constitutional position of the South received the sanction of the only umpire known to the Constitution. The final sanction, known as the Dred Scott decision, was the inevitable sequel to prior adjudications, and could have been no other than it was; and those prior adjudications, like the votes of the two houses in 1838, had been too reasonable to awaken agitation or serious comment. The adjudication was that the territories, secured to the States by the common blood and treasure (and it might have been added, more largely secured by the blood and treasure of the South, if the donations to the General Government be considered); that these territories were secured equally to all the States, and not unequally to any; and that it was to deprive the citizen of his property, without due process of law, to take his slave from him merely because the latter was found in the common territory of the United States. The adjudication was that the Federal Union rested on the basis of federal equality.

At least the school of construction, which proclaimed the judgment of this tribunal to be the ultimate reason, when it was planted on the side of the Bank of the United States, should have been estopped to denounce their own canonized authority. Fourteen Northern States passed laws to practically nullify the fugitive-slave law, but in doing so they not only violated the compromise and the compact of the Constitution, but the law as their own courts expounded it. The highest courts of these States (including that of Massachusetts, speak-

ing through Chief-Judge Shaw), whenever the occasion arose to pass upon this law, uniformly supported it. The lawless legislation was not South, but North, as tried by the exclusive jurisprudence of the latter. Never were people more completely covered by all the panoply of law—even the law of vindictive commonwealths—than the people of the South.

It was in this state of the law of the land, as expounded by the highest Federal tribunal, that a party arose which sought no suffrage, offered no candidates, and excluded recognition in all that portion of the country which is called the South. It was a declaration of war against fifteen of the States of the Union, and against the Federal compact upon which they stood. It was an appeal to one portion of the country, and that the most powerful portion, to know no rest until they had destroyed the other. It had no other reason of existence than to slit the North from the South by one clean cut, and then to mass the former against the latter. It had one memorable predecessor in the convention of Northern States (from which every Southern State was excluded), which met at Harrisburg in 1828 to frame the tariff known to history as “The Bill of Abominations.” The “abominations” of that bill had been driven from the field in demoralized rout and disorder. By their own intrinsic force they could make no further stand. Only on the back of this new agitation could they again rise into power. The States which could no longer be banded under the invocation of an imaginary interest were at last permanently banded under the banner of a real enmity.\*

This opinion may be reinforced by that of a cool, dispassionate, free-soil Democrat—the ablest Northern statesman of his time, and surpassed by none of any time. It was the opinion of Samuel J. Tilden that, if the Republican party should be successful, the Federal government in the Southern States “would cease to be self-government, and would become a

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\* “The Republican party is a conspiracy, under the forms, but in violation of the spirit of the Constitution of the United States, to exclude the citizens of the slaveholding States from all share in the government of the country, and to compel them to adapt their institutions to the opinions of the citizens of the free States.”—*Speech of Judge William Duer, at Oswego, August 6, 1860.*

government by one people over another distinct people—a thing impossible with our race, except as a consequence of successful war, and even then incompatible with our democratic institutions.”\*

#### VICTOR AND VICTIM.

This was what the statesmen of the South foresaw and looked courageously in the face. The success of the party ranged against them meant the government of the South by the North and for the North—the relation of victor and victim. Lincoln was the representative of opinions and interests confined to one-half of the country and pledged to an irrepressible conflict with the other. The tariff which sprang from the first throes of the convulsion gave audible warning that one of the spoils which belonged to the victor was the taxing power of the Government, to be used to throw the substance of one-half of the States into the lap of the other; the supplies of the South to be intercepted by the receipt of customs which would divert the profits of her industry into the pockets of the North. Nevertheless, when every right of property and every right of government was at stake, Virginia took counsel, not of her fears, but of her patriotic love for the Union which she had done so much to enlarge; which she had stripped herself of the whole Northwest territory to create and to cement. She had given, not principalities, but empires, to the General Government. What those who now condemned her had sacrificed for the Union was far less legible. Her voice was raised for peace. She pointed out that every practical issue which could possibly arise on the slavery question had been settled by the inexorable logic of events; that Kansas had already prohibited slaves, and, it might be added, negroes; that no Territory north of Kansas could possibly be expected to do otherwise; but, to allay apprehension, she reiterated the proffer of the South to stipulate against admissions on any other terms. The relation to this subject of the territory south of Kansas was fixed by the compromise of 1850, and it was not the South

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\* Article of James C. Carter, in the *Atlantic Monthly* for October, 1892.

which desired to disturb it. Virginia said to the North, "the only thing left open to possible agitation the South will stipulate in your favor."

The North claimed all the Territories for their citizens and their institutions. The South was content to ask no more than the right of ingress into a part or one-half of the Territories for her citizens and their property. The South said: "You blame us for effacing from the statute book the dead letter of the Missouri compromise; very well, then, we will restore that letter in form which you have so invariably repudiated in fact. Lawless as we deem it, for the sake of the Union we will seek to make it lawful by consent"; and the offer was disdained. The answer to the peace conference was the fleet of war dispatched to Charleston; the proclamation of the 15th of April, 1861; the transfer of the construction of the Constitution from the bench to the bayonet, the silence of the laws by the arms of the United States. Not until the compact of the Constitution was shattered beyond the reach of surgery, by the summons of the North to armed war against the South, did Virginia declare that an order of things "outside the Constitution" was no compact for her. That union of the purse and sword, which was the theme of such impassioned declamation at the North, when the object was to divide the South against Andrew Jackson, was welcomed with avidity, when the object was not the protection of a bank, but only the overthrow of every commonwealth of the South. It was elsewhere than in Virginia that the value of the Union had heretofore been computed. It was with the secession of New England that Hamilton threatened Jefferson, unless the debts of the States were assumed by the General Government. The purchase and admission of Louisiana were held to justify the secession of New England, and for the very reason that the admission of any new State into the Union altered the Federal compact to which the commonwealths of New England had acceded, by altering their relative weight therein. The embargo, the Non-Intercourse act, and the hostilities with Great Britain were deemed a justifiable ground for a dissolution of the Union, and the "Hartford

Nation," which assembled in congress to draw the necessary papers, was only restrained by that glory of New Orleans, which was a victory over New England quite as much as over old England. The annexation of Texas was considered a ground for separation of the States, and for reasons which were once more based on the federative character of the Union and the alteration of the relative importance of its members. On the 1st of February, 1850, Mr. Hale offered in the Senate a petition and resolutions, asking that body to devise, "without delay, some plan for the immediate peaceful dissolution of the American Union." And Chase and Seward voted for its reception. It was New England who taught us the memorable words, "amicably if we can, violently if we must."\*

And what were the invasions which she could not stand without the threat and preparation of disunion? The measures which doubled the continent of free government, and gave the Mississippi to us to be our inland sea and Mediterranean of commerce. And Virginia! When, for the first time, did she recoil, with just and natural horror, from the fate which was prepared for her? Not until she had no other alternative than to make good her right to free government out of the Union, or to submit to "freedom and a dagger" in it. Like the desert bird who "unlocks her own breast" to satisfy her offspring, Virginia had partitioned and repartitioned her own territory to feed the Union, and this was her reward! That ene-

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\* "There is a great rule of human conduct which he who honestly observes cannot err widely from the path of his sought duty. It is to be very scrupulous concerning the principles you select as the test of your rights and obligations; to be very faithful in noticing the result of their application; to be very fearless in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so it will be the duty of some to prepare definitely for a separation—amicably if they can, violently if they must. \* \* \* Have the three branches of this Government a right at will to weaken and outweigh the influence respectively secured to each State in this compact by introducing at pleasure new partners situate beyond the old limits of the United States? \* \* \* The proportion of the political weight of each sovereign State constituting this Union depends upon the number of States which have a voice under the compact."—*Speech of Josiah Quincy, January 14, 1811, on the bill for the admission of Louisiana.*

mies and accusers, who had counted so critically the profit of the Union ; who at every step of its progress had weighed so nicely its commercial value ; who had shouted so loudly that, unless it was a Union which was profitable, it was no Union for them ; that they who had been preaching and practicing disunion ever since there had been a Union ; that they should have been the executioners of the State which had served it best and loved it most was the curious revenge of time.

### VIRGINIA'S STAND.

Virginia then took her stand against the prostration of every guaranty of the Federal compact and the complete overthrow of the terms upon which alone she had acceded to it. That she honestly thought this her enemies concede ; that she justly thought, and, so far as the argument of reason is concerned, incontrovertibly thought it, history will finally determine. The South has not to plead like a culprit before the world. It was the name and not the truth of freedom which was victorious against us. I await with confidence the final verdict, because of an abiding faith that every appearance is to reality as the gourd to the oak.

Virginia stood for the liberation of trade ; for free association with the world. Far better than all anti-slavery agitation was this agency to unbind the fetters of mankind. She took her stand against the blind egotism and narrow self-sufficiency which would isolate each community from every other, and tear asunder all the bands of sympathy wherewith nature joins the populations of the earth ; wherewith and whereby nature fortifies that mind of man which is never strong by its single strength. I will not confine this idea by my own poor words, but give it rather in the words of New England, speaking through the lips of the purest champion of her cause—one might say its conscience ! “Free trade !” exclaimed Dr. Channing, “this is the plain duty and plain interest of the human race. To level all barriers to free exchange ; to cut up the system of restriction, root and branch ; to open every port on earth to every pro-

duct—this is the office of enlightened humanity. To this a free nation should especially pledge itself. Freedom of the seas, freedom of harbors, and intercourse of nations free as the winds; this is not a dream of philanthropists. We are tending towards it, and let us hasten it. Under a wiser and more Christian civilization, we shall look back on our present restrictions as we do on the swaddling bands by which in darker times the human body was compressed. The growing freedom of trade is another and glorious illustration of the tendency of our age to universality.” Virginia stood for the Federal Union; a Union, as the name imports, which is created by treaty and reposes on the terms of that treaty. An involuntary Federal Union—a Federal Union extorted by Force—is a solecism. Every government, it is said, should contain within itself the means of its own preservation; therefore, a Federal Union should contain the means of preserving the only basis of federation—the rights of the component States. A Federal Union which could readily be turned into a consolidation would be provided with the means of its own destruction.\* A Union, by naming itself Federal, expresses its ligament to be, not coercion, but convention. A Federal Union is the first and noblest agency of that growing force of which, not universal subjection, but universal emancipation, is the dream. The great transition of the latter centuries is the transition from the Feudal to the Federal age, and from force to compact; that is, from force to freedom, which is the free dominion of the law—the coercion of ideas instead of the coercion of arms. To convince is to conquer. The flower of hope which springs eternally is the hope to change the law of power into the power of law; and in this strife of opposites the first-born son of mediation is Federal Union—the Union of choice and affinity in place of constraint; the Union of force in place of the Union by force. As the tie is willing it is real; as

\* “A Union of the States, containing such an ingredient, seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound.” *Madison.*

it is real it is strong. It is through federation, not through centralization, that the true synthesis of the peoples comes. If the day ever comes "when the war drum shall throb no longer" it will be ushered in, not by the empire, not by the imperial consolidation, but by "the federation of the world." The mighty import of this heaving and throbbing time is that by its constitutions, rearrangements, and resources, by the grace of its swift, light and ready movement, for man's coerced and driven obedience, there may now be inaugurated his spontaneous energies in willing union. It was for the exalted idea of self-governed freedom, which Virginia had been foremost to proclaim, that she now took up arms and suffered martyrdom.

### SLAVERY.

But if a hostile criticism urge, "Your own involuntary servitude at home was at war with all this fine preaching of willing union," the answer is—

First. It was the condition with which you deliberately made your bargain and received your redundant consideration, which was, and is still, redundantly retained.

Second. The institution of slavery was fastened on us by others, and very largely by those who seized it as a pretext for war against us. It is not for them to revile us for not solving in a day the tremendous problem which, on a scale so diminutive, consumed more than half a century of their own time. Slavery was the flail in their hand wherewith to beat down freedom. It was constitutional government and the rights of the State; it was the reality of a Federal Union which they sought "to put in course of ultimate extinction." They were guilty of what Jefferson called "treason against human hope." Slavery was our mode of dealing with a problem for whose presence in our midst our accusers in old England and New England were responsible.

Third. Had emancipation been the only thing desired, the economic reasons which had been so successful at the North would not have been wholly idle at the South. The forces which put an end to slavery in Russia and Brazil were not

obliged to lose their cunning elsewhere—those irresistible forces of the brain of commerce, out of whose ceaseless throb is nurtured the opinion which rules at last the world and all the brave empire thereof. By the side of this Titan the abolitionist was a puny arm, which could only misdirect the mightier one and make it mischievous—“dashing with his oar to hasten the cataract, waving with his fan to give speed to the winds.” Our accusers dealt with their own problem at their own convenience. What right had they to force us to do otherwise?\*

Undoubtedly we were not prepared to exchange the freedom of the white race for the slavery of the black. Undoubtedly we were not prepared for an emancipation which meant the enthronement of the negro.

Fourth. Never was there a great trust so nobly fulfilled as that incurred by the South for the institution of slavery, imposed upon her from the same magnanimous source whence her crucifixion for it also proceeded. If any labor in any land ever more convincingly proclaimed that it was subject to a more enlightened

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\* “There exists a disposition to escape from our own proper duties to undertake the duties of somebody or anybody else. There exists a disposition not to do as our good old catechism teaches us to do—to fulfill our duty in that station to which it has pleased God to call us. No, sir; it is obsolete and worm-eaten. We must insist upon going to take upon ourselves the situation and office of some one else, to which it has not pleased God to call us—of the Hindoos and the Otaheitans; of anybody or anything but our own proper business and families.”—*Speech of John Randolph in United States Senate.*

It is not uninstructive to note how the same thought presented itself a quarter of a century afterwards to another man of genius. “A foolish stump-orator, perorating on his platform mere benevolences, seems a pleasant object to many persons; a harmless or insignificant one to almost all. Look at him, however; scan him till you discern the nature of him; he is not pleasant, but ugly and perilous. That beautiful speech of his takes captive every long ear, and kindles into quasi-sacred enthusiasm the minds of not a few; but it is quite in the teeth of the everlasting facts of this universe, and it will come only to mischief for every party concerned. Consider that little spouting wretch. Within the paltry skin of him, it is too probable, he holds few human virtues beyond those essential for digesting victual. Envious, cowardly, vain, splenetic, hungry soul; what heroism, in word, or thought, or action, will you ever get from the like of him? He, in his necessity, has taken into the benevolent line; warms the cold vacuity of his inner man to some extent in a comfortable manner, not by silently doing some virtue of his own, but by fiercely recommending hearsay pseudo-virtues and respectable benevolences to other people. Do you call that a good trade? Long-eared fellow-creatures, more or less resembling himself, answer. ‘Hear, hear! Live, Fiddlestring, forever!’ Wherefrom follow Abolition Congresses, Odes to the gallows.”—*Thomas Carlyle (Model Prisons).*

supremacy than force, I do not recall it. For four years of war all force was withdrawn from the negro, but his affection, his obedience, his fidelity did not withdraw. A beneficial subordination and no other could have stood this test.

### A STORY OF VALOR.

Of this cause the statue this day unveiled is emblematic, and if I have left myself but little time to tell the story of valor, of which it is also emblem, it is because that story is beyond the reach of controversy. On the 9th of November, 1859, the Howitzer Company was organized. It saw service for the first time in the John Brown raid—the real beginning of the war. It seemed to George Wythe Randolph, the first captain of this glowing strength, that if his mighty ancestor could speak once more from his lofty eminence he would shout: “To arms!” For the practical interpretation of the Constitution and the Federal Union which it organized had come to this: that a peaceful village south of the Potomac might be invaded at midnight for the purpose of midnight murder, and the invader be made by legal execution not a murderer, but a martyr, so that the bells of Northern churches tolled his requiem as he expired, and in the words of one of his eulogists: “The gallows was made as sacred as the cross.” The John Brown raid was the vivid revelation of a spirit which left no alternative between a battle for the compact of the Constitution or its unconditional surrender. The Richmond Howitzers did not organize to surrender without a blow the heritage of their fathers; and at the tap of the drum the company grew to a battalion. Like Gonsalvo, when he pointed to Naples, they preferred to die, one foot forward, than to secure long life by one foot of retreat. We hear much of “the land of the free and the home of the brave,” but the two are one. It is only a “home of the brave” which can be a “land of the free.” Only so long as men are brave in the assertion of their rights are they free in the possession of them. The rights which we have now we owe to the fact that we once stood, not languidly, but with clear determination, for them—to the respect which is compelled by the

courage of conviction. It is the Howitzer chapter of this history that we celebrate to-day. Wonderful must it have been to any soldier of the "Old World" to witness the daily picture in that Howitzer camp—officers and men seated around the common camp-fire, as though the difference of rank were nominal and temporal only, and the only real and eternal thing, the cause which joined their hearts and hands. It was the picture of what Jefferson called the Roman principle, which esteems it honorable for the general of yesterday to act as a corporal to-day. Every man was a brigadier around the camp-fire, and every man was subject to a discipline of honor more unsparing than the laws of war to every real dereliction. And how absolutely did those officers command, just because they never spared themselves! To be first in rank was to be first in danger, and side by side in every hardship.

It was on the extreme right at Fredericksburg, when Stuart and Pelham, from the force of habit, were leading artillery in what fairly seemed a cavalry charge, that the gallant Utz was torn from his horse and from his life by the shell to which he opposed his invincible breast. This day is his memorial service. And how tenderly, when the pitiless rain had ceased, we bent over the still form of Randolph Fairfax—the offering of our grand old ally in every fight, the Rockbridge Artillery—how tenderly we bent over that marble sleep, and gazed for the last time on the fair, bright brow of the beautiful boy. How we watched through all that winter while one—not of the Howitzers, but in authority over us—was sinking, and the very light of learning itself seemed to flicker in the socket as the life of Lewis Coleman put on its spiritual body. It was in the first clench of that long death grip which lasted from the Wilderness to Appomattox that, as John Thompson Brown rode to the front of his batteries to secure an advanced position, a bullet from the brown brush which hid the enemy's sharpshooters laid him in the dust. The beat of one of the warmest hearts, making a man's breast like a woman's, there ceased, and the bright outlook of a life all aflame with generous and manly hopes had fallen quenched. The sword pre-

sented to him by those Howitzers who, under his orders, had fired the first, and over his memory did afterwards fire the last, shot in the war, clung to him as he fell. He fell with a harness of honor on him worthy his father's son. If I wanted a picture of the intrepid calm which knows how to face unmoved a crashing world, there could be found no truer face for it than that of David Watson—a countenance which only seemed to light up in the rage of battle, but which kindled with a lasting brightness in the bloody angle at Spotsylvania Courthouse. And if I sought, as a companion-piece, that bright, joyous valor which meets danger, not as simple duty, but clasps her as a bride, whose descent into danger is like the sea bird's toss upon the waves, I would draw it from Ned McCarthy, down to the hour when his bright day sank with the setting sun in the fires of Cold Harbor. Peer of any whom I have named—firm with the firmest, cool with the coolest, brave with the bravest, patient, heroic, and magnanimous—was Henry Jones. He fought his last battle when the army he served was fighting its last. These were men worthy of renown in any field. Their courage knew no danger. On the restless front of battle they were stars. I count it my greatest pride to have been their humblest follower.

#### THE LESSON OF COURAGE.

And of that following what shall I say? I will say that I count it the best of all academies, the noblest university. No craven graduates in the firm tuition of God's discipline. The lesson of courage in daily jeopardy; of patience under privation and strain; the pursuit of high aims in disdain of earthly menace or disaster, was taught to me, I trust not all in vain, by the Howitzer battalion. The heart to scorn death, nay, the heart to scorn self, the surrender of all for duty, was preached by their detachments from Bethel to Appomattox, and from Manassas to Manassas—and then at the last, the highest, the bravest of all courage—the courage which shrinks not from defeat. They were no warriors of the silk and satin kind who joined their throat of thunder to the grand tones of that epic of wrath.

Seasoned veterans with the faces of boyhood stood behind the ordnance, which had been drawn from Yorktown to the Chickahominy ; which rang from Gettysburg to Petersburg. Never once were the cannoneers driven from the guns which had been captured for them from the enemy.\* The strength of conflict was in their sinews ; the strength of conviction in their hearts. They moved in obedience to a principle which ruled the whole heart and wielded the whole strength. They were made by pressure and fire as the diamond is made. As they faced storm after storm they added cubits to their stature. Far beyond all material triumph in building the character of a people is the struggle for that "baptism" which we name "the answer of a good conscience." From this source only comes the fortitude for that unshaken struggle with life's reverses which counts for more than all the exploits of romance. None really, none lastingly, conquer who trim their sails or their souls for every breeze, and have no permanent chart. "All that pass from this world," said John Foster, "must present themselves as from battle, or be denied to mingle in the eternal joys and triumphs of the conquerors."

I witnessed that wonderful sight, as tried by all the past—four years of battles, which stand forth as scenes of a transfiguration ; wherein as the war strain grew more tense, the warrior grew more noble—battles, which were images of spiritual growth and spiritual victory, wherein each in turn registered one more ascendancy of man's higher nature ; wherein his ignobility was trampled by his nobility under foot ; so that as rank by rank mortality was thinned the ranks of the immortals were recruited. For here soldiers presented themselves like disciples, as a living sacrifice on the altar of all they revered. On God's great altar their lives were laid. Their battles were the litanies of heroes. Their valor was consecrated, not unto fame, but unto duty. Their welcome to the foe, as day by day he gained on them in numbers, but not renown, stands out for me as the most illustrious portrait of man's spiritual wrestle ;

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\*After the first year of the war the original howitzers were exchanged for captured Napoleons and Parrott guns.

wherein he greets a world in arms against him as his appointed angel—the true arena to which his sponsors in baptism devoted him. They steadily ascended on their ladder of pain. It was like the struggle of a strong will in a weak body. As in Angelo's figure, the soul grew as the body wasted. When the only way in which the victorious cause could commend itself to the "consent of the governed" was to "wear out by attrition" all who failed to perceive its beauty : when such a warfare

"Did like a pestilence maintain its hold  
And wasted down by glorious death, that race  
Of natural heroes" ;

our little band shared with their brothers the desolating tempest, until it was their glory to stand with the seven thousand of Appomattox. Obedient to their great captain to the last, at his word, and only at his word, did they surrender. They wept as they dismounted their guns. It was still the courage which is loth to yield. When all was lost save honor, their roll remained the roll of honor. The surrender of themselves to their great captain and his cause had been their great surrender which swallowed up all other. Of such is the kingdom which is victorious over defeat—the panoply which no defeat can pierce. The great souls of sacrifice, wherein civilization hath its root and whereof is its true branch, they truly have their symbol in that bush burning in the desert, ever self-consuming and ever unconsumed. Rightly we make the supreme effort of that war our measure. For if our mind was evil, the blows we struck would have betrayed its evil counsel ; and as sheep know their shepherd, so do virtuous actions troop around a virtuous cause. If the heart of the South was the black and barbarous thing her enemies have painted, a spear of fire should have discovered a shape so foul. That heart has been tried in the fire ; it has passed through the fire. I would not be guilty, and believe I am not guilty, of irreverence when I say, that, in the midst of the fiery ordeal into which that heart was thrown, there was One walking by it in the flames whose form was as the Son of God. To adhere

to success is easy. Constancy under an adverse star is the rare and holy virtue. The standard of steadfast honor has been borne aloft by men who knew there was for them no other reward than the self-respect which only such fidelity can purchase. The heroic temper of that heart, and the army it supplied, in victory and defeat, is a parable of the constancy of the human mind which does us more good to-day than all our oppressions have done us harm.

#### THE STATUE.

Our embodiment of this story is the work before which we will stand to-day with uncovered heads, and, I might add, with uncovered hearts. From our own ranks sprang the genius which has created it. Our own fellow-Howitzer is our artist. The companion of our toils preserves them for us. He has translated into temporal bronze the infinite meaning of our struggle and sorrow; the image of a soul which can arm itself against the executioner of the body, as it were the free soul in the captive body. The delicate and living lines, the lines of solemn thought and silent sorrow, which unite and converge upon the clear countenance of honor, outline a spirit over which the great calm has come of one who has learned the worst that fate can do. It is the truth which is wrought by action into a unanimity of soul and body, making each a portrait of the other. There is our Howitzer, "his soul well knit and all his battles won." There he stands, waiting in silence. The breastwork he surmounts he has made his own. He stands upon the rampart which is only built in a people's heart. He who stands there is victor. There he stands with mute appeal, as if to say, "The self I sacrifice is the lower and transitory self to the higher and eternal." A prayer in bronze supplicates the heavens—that prayer of which it has been written, *qui precari novit, premi potest opprimenti non potest.* A figure of faith stands upon the pedestal of war. To plant the hopes of reason on the prophecies of the heart, as Leverrier planted himself on the calculations of his science, is faith. To follow the heart's sense of rectitude through doubt and disaster; to stand

in the crash which drives virtue to despair ; to see the overthrow of hope, and all its leaves of promise trampled like a rebel in the dust, and still not to doubt, not to despair, not to rebel, is faith. In the vast mysteriousness which throws its deep but tender shadow across our way faith fears not. The very darkness is a lamp. On the face of the deep is felt a foothold from an unknown world, and the countenance is kindled by a sun which is not seen. There is a ritual which the inarticulate communion of all natural things repeats—the languages of leaf and flower ; the sweet blossom of spring and the sweeter sorrow of the falling year ; the patient returning of the stars ; the looks of living and the tears of silent things ; the uproar of city and of sea ; the gentleness around the clamor, seeming anger of the universe ; the sweetness above its storms. We dedicate to-day a statue of the soul and the soul's strength. Kneeling souls requite it with their homage. It is our chapter in the last book of the Iliad of chivalry. It is our hero, on whose face is graved “the light of duty beautifully done.” As we draw aside the veil from the martial form and bared brow of duty, let us also unveil the voice which says : “The very light shall clothe thee, and the shadow of the passing cloud shall be as a royal mantle. Thou shalt share in the azure of heaven, and the youngest and whitest cloud of a summer's sky shall nestle in thy bosom. Thou belongest half to us.”

The ceremonies closed with the benediction by Bishop Randolph.

## ADDITIONAL NOTE.

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British subjects continued to hold slaves at the posts (retained by Great Britain) in the Northwest Territory, unaffected by the ordinance of 1787, and successfully maintained their right to do so before the tribunals of the United States. (*Choteau v. Pierre*, 9 Mo. 3.)

Few realize how late was the final disappearance of white slavery in the British Isles, notwithstanding the boasted regeneration and redemptive efficacy of the prevailing atmosphere. The act for the manumission of Scotch colliers, passed originally in 1775, was not complete until a second enactment in 1799. When Hugh Miller, in 1824, left behind him the hill of Cromarty for the village of Niddry, he found there a race of men who still bore about them what he terms "the soil and stain of recent slavery"; and eighteen years later—in 1842—there was a collier still living whose father and grandfather had been slaves, and who had himself been born a slave. (Schools and Schoolmasters, p. 305.)

It was not until the year 1779 that white slaves were enfranchised in France, by a royal edict, which thus begins:

"We have been greatly affected by the consideration that a large number of our subjects, still attached as slaves to the Glebe, are regarded as forming part of it, as it were; that, deprived of the liberty of their persons and of the rights of property, they themselves are considered as the property of their lords," &c.

On February 26, 1830, it was said by Mr. Smith in the United States Senate: "Nor will I go into the origin of slavery in this country. If I were to do so, I might, without fear of contradiction, say that Plymouth, the place where the pilgrims landed, was the second port at which African slaves were bought and sold on our shores."

The first statute establishing slavery in America is to be found in the Code of Fundamentals, or Body of Liberties, of the Massachusetts Colony in New England. (Moore's History of Slavery in Massachusetts, p. 11.)

The origin of the fugitive-slave law provision in the Federal Constitution is to be traced to the Articles of Confederation of the United Colonies of New England. (*Id.* 27.)

"Manumissions were not allowed except upon security that the freed should not become a burden to the parish." (Hildreth, Vol. II, 419.)

"When Penn, in 1699, had proposed to provide by law for the marriage, religious instruction, and kind treatment of slaves, he met with no response from the Quaker Legislature. In 1712, to a petition in favor of emancipating the negroes, the Assembly replied that it was neither just nor convenient to set them at liberty. (*Id.* 420.) New England rum, manufactured at Newport, was profitably exchanged on the coast of Africa for negroes, to be sold in the Southern Colonies, and vessels sailed on the same business from Boston and New York." (*Id.* 427.)

The following extracts from newspapers illustrate the mode in which abolition principles were applied in Massachusetts, while anything remained to be abolished:

From the *Independent Chronicle*, March 9, 1780: "To be sold, for want of employment, an exceedingly likely negro girl, aged sixteen."

From the *Continental Journal*, November 25, 1779: "To be sold a likely negro girl, for no fault but want of employment."

From the *Continental Journal*, October 26, 1780: "To be sold a likely negro boy

about thirteen years old, well calculated to wait on a gentleman." Inquire of the Printer.

"To be sold a likely young cow and calf." Inquire of the Printer.

In the *New York Gazette*, for thirty years afterwards, similar advertisements may be read.

At November term, 1816, this judgment was announced:

"The children of slaves in the late province derived no settlement from their parents." (*Andover v. Canton*, 13 Mass. 547.)

"At the time of his birth Caesar was a slave, and as such was the property of his master, as much as his ox or his horse. He had no civil rights but that of protection from cruelty." (Parker, C. J., *Id.* 550.)

"Slavery was introduced into this country soon after its first settlement, and was tolerated until the ratification of the present Constitution. The slave was the property of his master, subject to his orders and to reasonable correction for misbehavior; was transferable, like a chattel, by gift or sale, and was assets in the hands of his executor or administrator." (Parsons, C. J., in *Winchendon v. Hatfield*, 4 Mass. 127.)

Doubtless it would have been something more than human—a trifle inhuman—if those who had found the profit of parting with their slaves had failed to hold up their hands in holy horror at the sight of those who were weak enough to purchase them, or failed to point to the sordid contrasts of civilization thus procured.

Originally, under the Articles of Confederation, the value of the land and improvements was made the rule for apportioning the public taxes; but with a view to diminishing the burden in the North and correspondingly augmenting it in the South, the Northern and Eastern States insisted that taxes should be levied upon the property in slaves. "At their instance, and on their motion, as will appear by a reference to the Journal of the Old Congress, the making lands the rule was changed, and people, including the whites and three-fifths of other descriptions, was adopted." (Charles Pinckney, in House of Representatives, February 14, 1820.) The taxation and the representation were made commensurate in 1787. "The Eastern members of the Convention proposed it; they supported it, and they modelled it to their mind. It was good and righteous whilst the Government was supported by direct taxes. There were no complaints in the years 1798 and 1799, when it was necessary to resort to a direct tax to support the war then waged against France. \* \* But when direct taxes are no longer necessary, its great deformity presents itself." (William Smith, of South Carolina, in United States Senate, January 26, 1820.)

The Constitution of 1787 was the bond of union between twelve slave-holding States and one non-slave-holding State, in a federative system of which the foundation-stone was the equality of the States—the equal dignity and validity of the institutions and rights of property prevailing in each. Certainly there was no implication that, as in the case of Joseph's brethren, all the other sheaves would stand around and make obeisance to the single one which was so upright.

The third article of the Louisiana treaty contained this stipulation:

"The inhabitants of the ceded territory shall be admitted into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained in the free enjoyment of their liberty, property, and the religion they profess."

When the United States took possession of the province in 1804, it was (as stated by Rufus King) estimated to contain 50,000 white inhabitants and 40,000 slaves. The bill to carry into effect the convention of the 30th of April, 1803, between the United States of America and the French Republic, was opposed in both houses of Congress, avowedly on constitutional grounds. In the Senate it was urged by Mr. Tracy, of

Connecticut: "A number of States, or independent sovereignties, entered into a voluntary association, or, to familiarize the subject, it may be called a partnership, and the Constitution was agreed to as the measure of power delegated by them to the Federal Government, reserving to themselves every other power not by them delegated. \* \* The object of the original sovereignties, or partners to the compact, is obvious from the Constitution itself; they united as equals in power to promote the political welfare of all. \* \* The words of the Constitution are completely satisfied by a construction which shall include only the admission of domestic States, who were all parties to the Revolutionary war and to the compact, and the spirit of the association seems to embrace no other."

In the House it was urged by Mr. Thatcher, of Massachusetts: "The Confederacy under which we now live is a partnership of States, and it is not competent to admit a new partner but with the consent of all the partners."

"The Government of this country," said Griswold, of Connecticut, "is formed by a union of States, and the people have declared that the Constitution was established to form a more perfect union of the United States. \* \* It is easy to conceive that it must have been considered very important by the original parties to the Constitution that the limits of the United States should not be extended."

To this in the House, it was answered by Mr. Nicholson, of Maryland: "In the year 1776, when the United States absolved their allegiance to Great Britain, each State became a separate and independent sovereignty. As independent sovereignties, they had full power, in the language of the Declaration of Independence, 'to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States might of right do.' Each State, separately and for itself, had all the attributes of sovereignty, and no man can be hardy enough to deny that, at that time, any of the respective States had the capacity to extend its limits either by conquest or by purchase. \* \* All the rights which the States originally enjoyed are either reserved to the States, or are vested in the General Government. If they once had the power individually to acquire territory, and this is now prohibited to them by the Constitution, it follows, of course, that the power is vested in the United States." The same argument was made in the Senate by John Taylor, of Virginia. The bill was passed in the House by a vote of 96 to 25, or nearly 4 to 1; in the Senate, by a vote of 26 to 5, or more than 5 to 1—the only States voting against it being Connecticut and Delaware, with Massachusetts divided. It was, therefore, declared with virtual unanimity to be the law of the land, that the right to the ownership of slaves, through the whole of this territory, extending from the Gulf to the Lakes, was as firmly secured as the right to profess the Roman Catholic religion.

In addition, the legislation of Congress directly tended to increase and extend such ownership. The original act of March 26, 1804, for the government of the Territory of Orleans, interdicted the introduction of slaves into the Territory, "except by a citizen of the United States, removing into said Territory, for actual settlement, and being at the time of such removal *bona fide* owner of such slave or slaves." But the act of March 2, 1805, repealed this qualification of the right to import slaves. (9th Congress, 1st Session, p. 472.)

"Our Eastern friends employed immediately a large portion of the shipping in that trade. Carolina had no ships of consequence in that trade, but an ample supply came from the North and East. \* \* This repeal, too, must have been effected by the Eastern members. \* \* The Northern slave-traders and the British carried the business on with a high hand. \* \* As soon as this trade was cut off by the act of Congress of 1807, the sinfulness of it presented itself in glaring colors, both with our Eastern friends and the British." (William Smith, in the United States Senate, January 26, 1820.)

"Numbers in the Eastern States have been embarked, for some years past, in the cruel traffic of slaves and smuggling them into other States." (David Bard, of Pennsylvania, in the House, February 14, 1804.)

"It may be received as a correct general idea on this subject that the citizens of the navigating States bring negroes from Africa, and sell them to the inhabitants of those States which are more distinguished for their plantations." (S. L. Mitchell, of New York, in the House, February 14, 1804.)

A full list of the vessels which entered Charleston with cargoes of slaves for the years 1804, 1805, 1806, and 1807, was submitted to the Senate on the 8th of December, 1820. There were fifty-nine vessels belonging to Rhode Island; seventy British; consignees, natives of Rhode Island, eighty-eight; consignees, natives of Britain, ninety-one. Ten vessels belonged to James D'Wolf, who was elected Senator by the Legislature of Rhode Island in 1820.

The bill to prohibit the further importation of slaves to the country was passed in the House on February 13, 1807—yeas, 113; nays, 5. Of the nays three were from the South, and two from New England—Silas Belton, of New Hampshire, and Martin Chittenden, of Vermont.

"But with all the sins of holding slaves, we have not that of going to Africa for them. They have been brought to us by the citizens of the States which hold none. The only time, in Congress, that I ever heard the slave trade defended, was by a member from the same State with the gentleman from Rhode Island. \* \* A bill was reported in the Senate to whip those who might be in any way engaged in it. The whipping was struck out (*not by the votes of those who represented slave States*), because a rich merchant might be convicted, and it would not do to whip a gentleman." (Nathaniel Macon, in Senate, January 20, 1820.)

Prior to this time, viz., on the 8th of February, 1803, the memorial of a Convention of the State of Indiana, praying the suspension of the sixth article of the compact of 1787, so as to admit slaves for a limited time into the Territory, had been communicated to Congress by William Henry Harrison. John Randolph, from the committee to whom the question was referred, reported on March 2, 1803, that it was inexpedient to suspend the same; that the labor of slaves was not necessary to promote the growth of that region; "that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States." Such was the longing of the so-called "slave power" to commit aggression. In 1805 and 1806, the application was renewed by the Territorial authorities.

On January 20, 1807, the Speaker laid before the House a letter from William Henry Harrison, Governor of Indiana Territory, enclosing the unanimous resolutions of the Legislature, of which the third was, "That the suspension of the said article would be equally advantageous to the Territory, to the States from whence the negroes would be brought, and to the negroes themselves." On the 12th of February, 1807, Mr. Parke, of Indiana, reported that it was expedient to suspend the said article for a period of ten years. The record shows no opposition nor any final action.

Whatever may have been finally the case in Indiana—and there are some signs that under laws for the regulation of Negroes a system of servitude existed—it is a fact of which very slender notice has been taken, that so much of the Northwest Territory as was included in the State of Illinois was admitted into the Union under a constitution which sanctioned slavery. "The act of accepting the Constitution of this State and admitting it into the Union by Congress, abrogated so much of the ordinance of 1787 as is repugnant to that Constitution." (*Phoebe v. Jay*, 1 Breese, 268.) As late as December term, 1828, the Supreme Court of Illinois decided, that negroes and mulattoes who were registered servants might be sold as slaves. "No doubt

can exist that the Legislature acted upon the supposition that registered servants were regarded as property which might be seized and sold. And no good reason is perceived why these servants should be liable to attachments, and not be liable to sale on executions obtained by the ordinary prosecution of a suit." (*Nance v. Howard*, 1 Breese, 245.) The Illinois court cites approvingly the language of Kent: "If it is otherwise, the debtor is possessed of a false token, and the creditor is deceived." (*Id.* 246.) Illinois was so admitted on November 23, 1818. Mr. Tallmadge, of New York, opposed the admission on the ground that three several sections of the Constitution "embraced a complete recognition of existing slavery, if not provisions for its future introduction and toleration." Mr. Garrison, of Ohio, said in reply: "In regard to the supposed compact, however, and its efficacy, he had always considered it a dead letter."

Illinois was admitted by—*yeas*, 117; *nays*, 34. No agitation was created by this admission of a distinctly Northern State. But the Union was shaken from centre to circumference by the agitation to compass the exclusion of Missouri the very next year. In respect to Illinois, there was an existing compact (whether the same was competently or incompetently enacted) that slavery should be excluded therefrom. In respect to Missouri, there was the obligation of contract to secure the existing slave property therein. But the law was ignored to admit Illinois, and the treaty of cession was sought to be repudiated to exclude Missouri.

In 1830, Benton said: "The State of Missouri was kept out of the Union one whole year, for the clause which prohibited the future entry and settlement of free people of color. And what have we seen since? The actual expulsion of a great body of free colored people from the State of Ohio, and not one word of objection, not one note of grief. \* \* The papers state the compulsory expatriation from Cincinnati at two thousand souls; the whole number that may be compelled to expatriate from the State of Ohio at ten thousand. This is a remarkable event, paralleled only by the expulsion of the Moors from Spain and the Huguenots from France. \* \* The Senator from Massachusetts (Mr. W.), so copious and encomiastic upon the subject of Ohio, so full and affecting upon the topic of freedom, and the rights of freemen in that State, was incomprehensibly silent and fastidiously mute upon the question of this wonderful expatriation—an expatriation which sent a generation of free people from a republican State to a monarchical province."

In the same debate Felix Grundy said: "I have in my hand the memorial of two thousand free people of color, resident in Ohio, praying this Congress to provide them funds to enable them to remove to Canada, because they cannot remain in the State of Ohio, on account of the severity of the laws imposed upon them. \* \* The State of Indiana has forwarded its memorial asking Congress for aid to remove the free people of color, now in that State, to Liberia."

The writer who approved the action of the Massachusetts Senate in refusing a vote of thanks to Lawrence for the capture of the "Peacock," who approved the action of the Governor and Council in withholding their presence from the funeral of the hero, whose last words were, "Don't give up the ship," as he fell upon his deck, was clearly no partisan of Jefferson; but by him Jefferson's view of the Missouri agitation is confirmed.

"Jealousy of Southern domination had, as we have seen, made the Northern Federalists dissatisfied with the purchase of Louisiana. \* \* The keeping out of new States, and the alteration of the Constitution as to the basis of representation, \* \* were projects too hopeless, as well as too unpopular in their origin, to be renewed. The extension to the new territory west of the Mississippi, of the ordinance of 1787 against slavery, seemed to present a much more feasible method of accomplishing substantially the same object. This idea, spreading with rapidity, still further obliterated old party lines, tending to produce at the North a political union, for

which the Federalists had so often sighed. \* \* Otis, of Massachusetts, who at the last session, as well as on several occasions before, had exhibited his strong sympathy for the slave-holders, of which, indeed, he lived to give still further proofs, now, on behalf of a Northern ascendency, and with the prospect of a new political party on that basis, exerted all his eloquence against them." (Hildreth, Vol. VI, p. 683.)

It is worth while to note some of the arguments employed. Thus, in the House, by the advocates of the restriction, it was said: "No attribute of sovereignty is more important than that which is exercised in the admission of new parties to the Federal compact. It was reserved for America to exhibit on an extensive scale an example of independent States uniting for the general welfare." (Mr. Taylor, of New York, January 27, 1820.)

"The Constitution," said Mr. Gross, of New York, February 11, 1820, "may be regarded as a compact between the original States."

"The admission of a new State into the Union is no act of legislation, but a compact merely. The parties are: Congress, in behalf of the United States, on the one hand, and the new State on the other. \* \* The Federal Constitution itself was merely a compact between the thirteen original members of the Union." (Mr. Fuller, of Massachusetts, February 24, 1820.)

"I ask, whose welfare is here contemplated? To this only one answer can be given: The welfare of those who framed and adopted this instrument—the welfare of the parties to the Confederation. \* \* And who or what is Missouri? She is, as to us on the present occasion, an independent power. We, at her request, meet her, and treat with her, as such." (Mr. Edwards, of Connecticut, February 21, 1820.)

On the other side it was said: "I much fear, notwithstanding all your solemn asseverations, a scrutinizing public will assign other views, other notions; and what more probable than that unhallowed one of political ascendency? And it is to be feared that a lurking ambition, the bane of all governments, has had too great an influence in this debate. \* \* In persisting in our restriction on Missouri, are we dealing to our brethren of the South the same measures we would be willing they should make to us? When with magnanimity unparalleled they have conceded to us nine-tenths of this great common property, can we wish to deprive them of the remainder? \* \* In that great political strife which so long agitated the councils of the nation, and at times threatened to tear asunder the social compact, have our friends of the South ever deceived us? \* \* In drawing the cordon of restriction around the present slave-holding States, are we not violating their rights, increasing their apprehensions, and weakening their moral force? This is not Christian charity; it will not ameliorate the condition of the slave." (Mr. Kinsey, of New Jersey, March 2, 1820.)

"Is it not probable that there are some jugglers behind the screen who are playing a deeper game—who are combining to rally under this standard, as the last resort, the forlorn hope of an expiring party? \* \* At the Revolution the rights of the crown vested in the States. \* \* The doctrine that the Revolution is not the origin but the perfection of the State governments, and that the States are the successors as well of the crown as the colonies, has been so long and so well established that it is considered the foundation not only of political power but of private right. \* \* Confine the slaves in the old slave-holding States where they are the most numerous; the constant emigration of the whites will soon bring them to an equality with their slaves. Emigration will increase with the danger; and murder and massacre will succeed. And yet we can look on and see this storm gathering; hear its thunders, and witness its lightnings with great composure, with wonderful philosophy! We are aware, gentlemen, that we are diffusing sentiments which endanger your safety, happiness, and lives; nay more, the safety, happiness, and lives of those whom you value more than your own. But it is a constitutional question.

Keep cool. We are conscious that we are inculcating doctrines that will result in spilling the best of your blood; but as this blood will be spilt in the cause of humanity, keep cool. We have no doubt that the promulgation of these principles will be the means of cutting your throats; but as it will be done in the most unexceptionable manner possible, by your slaves, who will no doubt perform the task in great style and dexterity, and with much delicacy and humanity, too, therefore keep cool. \* \* I trust I have succeeded in proving that Congress cannot restrict a State which was party to the compact. \* \* It now becomes necessary to show that a new State, on admission into the Union, succeeds to all the disabilities and duties, and all the rights and powers, of one which was party to the compact. \* \* Absolute power of Congress, and from Boston, too? Most of these gentlemen have changed their tone since 1812, 1813, and 1814. Then their jealousy of Congress was such that they would not allow them to determine when the country was in danger of invasion, but confined this power to the exclusive discretion of their governor. \* \* Ambitious, desperate men may take advantage of popular excitement, and, after all other schemes have failed them, succeed by producing, the worst of all, a geographical division of party, and rise to power under its banners." (Mr. Holmes, of Massachusetts, January 27, 1820.)

At this date the two great jurists in the United States Congress were John Sergeant and William Pinkney—Sergeant in the House and Pinkney in the Senate. They differed in their conclusions, but derived their arguments from the common premises that the Constitution was a compact. "The admission of the State," said Sergeant, "is itself a compact, as the Constitution of the United States was a compact between the existing States. \* \* The Constitution of the United States, though in form the work of the people (who made it their own by adoption), was a compact between States. It was made by delegates chosen by the States. The votes in the Convention were given by the States. It was submitted to the States for their ratification; and its existence depended upon the sanction of a certain number of the States. These States were sovereign. \* \* Before the confederation the thirteen States who composed it were in all respects sovereign and independent States, possessing all the attributes of sovereignty. The confederation was of sovereign and independent States. \* \* The Constitution was thus the creature of the States—the work of their own hands. But what is a new State? It is the creature of the Constitution, deriving from the Constitution its existence and all its rights."

"What, then," said Pinkney, "is the professed result? To admit a State into this Union. What is this Union? A confederation of States equal in sovereignty—capable of everything which the Constitution does not forbid or authorize Congress to forbid. It is an equal union between parties equally sovereign. They were sovereign independently of the Union. \* \* By *acceding* to it the new State is placed on the same footing with the original States. It *accedes* for the same purpose—*i. e.*, protection for their unsurrendered sovereignty. If it comes in shorn of its beams—crippled and disparaged beyond the original States—it is not into the original Union that it comes. For it is a different sort of union. The first was union *inter pares*. This is a union between *disparates*. \* \* It is into 'this Union'—*i. e.*, the Union of the Federal Constitution, that you are to admit or refuse to admit. You can admit into no other. \* \* You can prescribe no terms which will make the compact of union between it and the original States essentially different from that compact among the original States."

Other speeches followed in the Senate, but opposition there was virtually silenced by the invincible genius of this incomparable man. Like John Randolph and Thomas Jefferson, Pinkney himself was an emancipationist within the borders of his own State, and as such was cited as an authority by the Abolitionists of 1850. But the difference between him and them was that Pinkney esteemed abolition

dearly purchased by the subversion of the Federal compact he had sworn to support, and would not lend his aid to measures which required him to lay perjury to his soul. As Fisher Ames said in respect to the diminution of another Federal feature: "A consolidation of the States would ensue, which it is conceded would subvert the new Constitution."

The language cited from the Louisiana and Missouri debates was the wonted speech of the framers of the Constitution—of those who composed what Hamilton terms, in the concluding number of the *Federalist*, "the compacts which are to embrace thirteen distinct States in a common bond of amity and union." In the origin of the Federal Government there was no room for doubt as to the nature of the assent whereby it was organized. There was little doubt about the historical fact, when, on the 10th of December, 1802, Gouverneur Morris wrote "that the Constitution was a compact, not between solitary individuals, but between political societies—the people—not of America, but of the United States, each enjoying sovereign power, and, of course, equal rights." Nor when he said in the Senate: "Let this compact be destroyed, and each State becomes instantaneously vested with absolute authority." Nor when he further said: "For I knew that if America should be brought under one consolidated government, it could not continue to be a republic." This was familiar history when, on December 8, 1803, Mr. Griswold, of Connecticut, said in the House: "Our Government is in fact a confederacy, and as such we are bound to respect the rights of each party to the compact."

Nor was such mode of speech at all unusual in the decade succeeding the Missouri bill. It was but natural for Rufus King, on the 18th of March, 1824, to refer to "the established provisions of the compact by which, under the guarantee of all to each, the States expected to remain separate, coequal, and sovereign republics." On the 9th of March, 1826, Edward Everett spoke of the limitation of the amending power growing out of the nature of the Constitution as a compact, and deprecated the day "when the parties to this compact shall feel that it has wholly failed of attaining its essential objects." "The Constitution of the United States," he wrote to Jefferson, "is a compact of independent nations." Mr. Pearce, of Rhode Island, on the 14th of March, 1826, quoted and adopted the language of Governor Griswold, of Connecticut: "The Constitution of the United States is a compact formed by the several States, to and for the general good." And on the 28th of the same month Mr. Whipple, of New Hampshire: "The States of the Federal Union ought not to be asked, and certainly cannot be expected to submit, to a change of the Federal compact. \* \* When we talk of the people, in relation to the Constitution of the United States, we intend only the people of the individual States, and not the integral population of the whole country under its federative form." "The parties to this compact," said Mr. Storrs, of New York, February 17, 1826, "came together in the character of separate, independent sovereignties. They were distinct sovereign communities of people. \* \* The Constitution throughout speaks of the parties to the compact in the character of such distinct State communities. It was to be ratified by the conventions of the States." The House of Representatives is composed of members chosen by "the people" of the "several States." Representation and direct taxes were to be apportioned among the people of the several "States." Each "State" shall have at least one Representative. The Senate shall be composed of two Senators from "each State," chosen by the Legislature thereof." "Let us," said Christopher Gore, in 1814, "examine this question by the Constitution. \* \* All the powers and authorities communicated to this Government are contained, defined, and limited to this compact." "With a Constitution made merely for defence," said Josiah Quincy, in 1813, "it is impossible that an association of independent sovereignties, standing in such relations to each other, should not have the principles of its union and the hopes of its Constitution materially affected by the collection of a large military force, &c." "There is not a

feature of our Government," said Griswold, in 1803, "more strongly marked than this of its confederation, nor any to which the people are more strongly attached. \* \* The States always have, and probably will continue to preserve with jealousy their sovereignty and independence. \* \* The federative principle remains the great and leading feature of the Constitution."

In 1820, the General Assembly of Ohio resolved that they "recognize and approve the doctrines asserted by the Legislatures of Kentucky and Virginia, in the resolutions of November and December, 1798, and January, 1800, and do consider that their principles have been recognized and adopted by a majority of the American people."

Calhoun, therefore, simply uttered, as was his habit, impregnable truth, when, on the 22d of January, 1833, he laid down his resolution: "That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union between the States ratifying the same."

In reply, Mr. Webster was forced to inaugurate a revolt against the truth of history, and pre-eminently of history as written by New England, in denying that the Constitution was a compact between the people of the several States, or that any State had acceded to it. He clearly saw that Calhoun's conclusion followed inexorably from his premises. "If," said Webster, "in adopting the Constitution, nothing was done but acceding to a compact, nothing would seem necessary, in order to break it up, but to secede from it." The language of Washington and Marshall, referring to the adoption of the Constitution by North Carolina, as the accession of North Carolina, was explained by saying, that as North Carolina did not adopt the Constitution until after the government went into operation, "there was propriety, therefore, perhaps, in calling her adoption of the Constitution an accession." The logic of this would be that North Carolina, and all other States since admitted, did accede, and, therefore, may secede—have by posteriority rights which those prior in time do not possess. But the same language was applied to the original parties to the Constitution. On June 9, 1788, Franklin wrote: "An eighth State has since acceded, and when a ninth is added the Constitution will be carried into execution."

On December 7, 1787, Washington wrote to Madison: "If these (Pennsylvania, Delaware, Georgia, North and South Carolina), with the States eastward and northward of us, should accede to the Federal Government." And on the 10th of January, 1788, he wrote again to Madison: "Of all the arguments that may be used at the Convention which is to be held, the most prevailing one, I expect, will be that nine States, at least, will have acceded to it." "God grant," wrote Hamilton to Madison, "that Virginia may accede." Jefferson wrote to Rutledge: "I congratulate you on the accession of your State to the new Federal Constitution"; and in his communication of May 23, 1792, to Washington, he refers to "the limitations imposed by the Constitution on the general legislature, limitations on the faith of which the States acceded to that instrument." "Every independent community," said Otis (of Massachusetts), in 1820, "is a State. \* \* Now, the condition of the United States and its territory at the time of forming the Constitution was this: some of the existing States might not at first accede to it."

It must be conceived that the architects, the advisers, the sponsors in baptism of the Constitution, were able to render an account of the business and the terms upon which it was promulgated and accepted. The result of the war, it is said, has finally adjudicated that Webster was right. But it is obvious that such an adjudication must proceed upon the ground that the contemporaneous actors in this history

strangely misconceived the nature of the acts of which they were themselves such representative agents.

The memorial to Congress "from the Legislature of the free and independent Commonwealth of Massachusetts," read by Mr. Pickering in the House, June 29, 1813, plants itself upon the historical fact that the Constitution is a compact to which the States are parties. On January 19, 1814, Mr. Wright, of Maryland, said: "The honorable gentleman from New Hampshire (Mr. Webster) has told us that the Constitution is a compact."

In the memorial to Congress prepared by Webster, in 1819, he had said: "The Constitution provides that 'new States may be admitted into the Union.' The only parties to the Constitution contemplated by it originally were the thirteen Confederated States." \* \* \*

Nor could Mr. Webster afterwards emancipate himself from the native tongue of freedom. The North finds itself, he said in 1850, "where it did not expect to find itself when they agreed to the compact of the Constitution." In keeping with this was his speech at Capon Springs, in 1851, that the South, in the case put, "would no longer be bound to keep the compact. A bargain broken on one side is broken on all sides."

The resolutions of the Massachusetts Legislature in 1844, as to the annexation of Texas, begin :

*"Resolved*, That the Commonwealth of Massachusetts, faithful to the compact between the people of the United States, according to the plain meaning and intent in which it was understood and *acceded* to by them, is sincerely anxious for its preservation; but that it is determined, as it doubts not the other States are, to submit to undelegated powers in no body of men on earth."

Six years later the ground of objection to this annexation was re-stated by Washington Hunt in accepting his nomination by the Whigs for Governor of New York (October 11, 1850): "We regarded these measures as incompatible with our just rights under the federal compact."

The vote was, in substance and effect, taken on Calhoun's resolution, for the first time, in the first of the series submitted to the Senate, in January, 1833. Eighteen States voted for it and six against it.

It is not surprising, therefore, that the latest biographer of Webster has felt constrained to admit that his premises were unsound.

"It was probably necessary—at all events, Mr. Webster felt it to be so—to argue that the Constitution at the outset was not a compact between the States, but a national instrument. \* \* Unfortunately the facts were against him. \* \* When the Constitution was adopted by the votes of States at Philadelphia, and accepted by the votes of States in popular conventions, it is safe to say that there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by States, and from which each and every State had a right peaceably to withdraw—a right which was very likely to be exercised. (Lodge, p. 166.)

The trouble has been that in 1861 the South retained the views of the Constitution shared by Washington and Hamilton, George Clinton and George Mason. This, and this only, was the Constitution her sons had sworn to support; this, and this only, was the Constitution to which the States of the Union had acceded; this, and not some other constitution, not made by the Convention of 1787, nor any other convention—not ratified by any Commonwealth—some vague, independent constitution made by what is mysteriously termed "the change of times and popular conception." The trouble has been that the whole war waged by Northern members against the South was like the reconstruction enacted by them afterwards—"outside the Constitution" they had sworn to support.

## II.

Cotemporaneous exposition proving so very unsatisfactory and defective, a school or, as it were, convention of historians is composed to form a more perfect history, with the undesirable parts left out. From this expurgated and reconstructed history it appears that "the States have their status in the Union, and they have no other legal status"; that "the Union is older than the States, and, in fact, it created them as States." (Message, July 4, 1861.) Nothing short of an Ecumenical Council could make this theory the solution of the condition with which history confronts us. The treaty with France, signed the 6th of February, 1778, begins: "The most Christian King and the United States of North America, to-wit: New Hampshire," &c. (naming the thirteen States), "having this day concluded," &c. "The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the *said United States*." The treaty with Great Britain, concluded at Paris September 3, 1783, is: "His Britannic Majesty acknowledges the said United States, viz.: New Hampshire," &c. (naming each State), "to be free and independent *States*; that he treats with them as such." Can it be that the parties to these treaties knew not who were contracting, nor what was meant by the Declaration of the Conquering Thirteen that they were, "and of a right ought to be free and independent *States*" (not a free and independent State)? If such a question needed judicial determination, nothing could be more clearly and competently adjudicated than this was by the Supreme Court in Washington's administration.

"It has been conceded," said Marshall for the defendant in error, "that independent nations have, in general, the right of confiscation; and that Virginia, at the time of passing her law (October 20, 1777) was an independent nation."

By the Court (Chace, J.): "I am of opinion that the exclusive right of confiscating during the war all and every species of British property, within the territorial limits of Virginia, resided only in the Legislature of that Commonwealth, \* \* as the people of that country were the genuine source and fountain of all power that could be rightfully exercised within its limits. \* \* In June, 1776, the Convention of *Virginia* formally declared that *Virginia* was a free, sovereign, and independent State; and on the 4th of July, 1776, following, the United States, in Congress assembled, declared the *Thirteen United Colonies* free and independent States, and that as *such*, &c. I consider this as a declaration, not that the United Colonies *jointly*, in a *collective* capacity, were independent States, &c., but that *each* of them was a sovereign and independent State; that is, that each of them had a right to govern itself by its own authority and its own laws, without any control from any other power on earth." (*Ware v. Hylton*, 3 Dallas, 210, 222, 224—February term, 1796.)

The great Chief Justice, who did so much to fortify every Federal power, was incapable of such historical perversions as the "higher criticism" calls for. "As preliminary to the very able discussion of the Constitution which we have heard from the bar, and as having some influence on its construction, reference has been made to the situation of these States anterior to its formation. It has been said that they were sovereign, were completely independent, and were connected with each other only by a league. This is true." (Marshall, C. J., in *Gibbons v. Ogden*, 9 Wheaton, p. 187.)

How utterly unknown this advanced doctrine was to the same great jurist when, as a historian, he wrote, referring to the period between 1783 and 1787, "The American trade remained subject to the legislation of thirteen distinct sovereignties" (Vol. V, p. 71); or when he wrote, "The war having been conducted by nations in many respects independent of each other" (*Id.* 57). "The concurrence of thirteen distinct sovereignties," said Hamilton, "is requisite under the confederation (Federalist, XV). Hence the last word of these memorable papers relates to "the neces-

sity of moulding and arranging all the particulars which are to compose the whole in such manner as to satisfy all the parties to the compact."

What was the "status" of Rhode Island and North Carolina during the interval that they declined to become members of the Federal Union? Were they outlaws from civilization? "I wish most earnestly," said Fisher Ames, "to see Rhode Island federal, to finish the circle of the Union." All the earnest wishes in the world, outside of Rhode Island, were powerless to gratify this wish. "Are gentlemen willing, then," said Elbridge Gerry in the first Congress, "to throw Rhode Island and North Carolina into the situation of foreign nations? They have told you they cannot accede to the Union unless certain amendments are made." It was on the 8th of January, 1790, that the two houses were able to unite in saying, "The accession of the State of North Carolina to the Constitution gives us much pleasure." Rhode Island had not been present at the Convention. "When the revolution was accomplished," says Curtis, "the State had resumed its position of absolute sovereignty." In September, 1789, a "letter from the Governor of Rhode Island, giving reasons why that State did not *accede* to the Union," had been addressed "To the President, the Senate, and the House of Representatives of the Eleven States of America, in Congress assembled" (Sparks X, 487). "Rhode Island," says Story, "did not accede to it until more than a year after it had been in operation" (§ 195). The unanimous voice of all the people of all the other States could confer no authority upon the Federal Government to cross the borders of Rhode Island until invited by her own people. But in May, 1790, her accession put the thirteenth seal to the compact, which, in the language of the Constitution, was "*Done in convention* by the unanimous voice of the *States*." The Constitution drew its first breath of obligation "between the *States* so ratifying the same."

The great mind of Webster (and others after him, not so great) seized on the expression in the preamble, "We, the people," as proof that the grant of power in the Constitution was bestowed not by the States, but by the whole people of all the States." These words, he said, must be obliterated "before any human ingenuity or human argument can remove the popular basis on which that Constitution rests, and turn the instrument into a mere compact between the States."

The style of the old confederacy had been "The United States of America." This confederacy had been created by "articles of confederation and *perpetual union* between the States of New Hampshire," &c. In view of the experience of perpetuity under these articles, it was deemed expedient not to saddle the new articles with such permanence of duration. But in other respects the preamble as reported to, and actually adopted by, the Convention of 1787 was the same. "We, the people of the States of New Hampshire," &c. (naming each of the thirteen States), "do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity." The Committee on Style, afterwards appointed, with no other power than "to revise the style and arrange the articles agreed to by the House." This committee substituted the words, "We, the people of the United States," for the enumeration of the States by name. There is, of course, no other State than the people of that State. Had they so desired, the Committee on Style had no authority to change the meaning of what had been previously adopted. The chairman and penman of this committee was Gouverneur Morris. He certainly did not design to work a change which would imply that the Constitution was not a compact between the States, for, as has been seen, he always maintained that it was just such a compact. Further, the preamble of 1787 could not recite as existing a fact to be ascertained in the future. The only people of the United States for whom that Convention could speak were the people of the States united under the articles of confederation—the only United States then in existence.

There was a plain reason for the change in phraseology. The revised draft con-

tained the provision for the establishment of the Constitution "between the *States* so ratifying the same," if so many as nine *States* should ratify—the Convention, as Mr. Wilson expresses it, preferring "a partial union" of the *States*, "with a door open for the *accession* of the rest." It could not be known in advance which *States* would ratify, or whether a sufficient number ever would. The very word "union," in this political sense, has no application to individuals, and only applies to *States*. The old Confederation was a union of *States*. The object of the Constitution was "a more perfect union" of *States*. But if the preamble were intended for a prophecy, such as Webster claimed, the prophecy would have been refuted by the fact when it occurred.

On June 17, 1788, the New York Convention organized with sixty-five members. Of these, it is said, forty-six were opponents and nineteen only advocates of the Constitution. The vote of the people, therefore, was overwhelmingly for the opponents of ratification. Whoever is made stronger by such "consent of the people" can live on very little. Whence did the members of this convention derive authority to sign away the existence of their constituents—their freedom, sovereignty, and independence—if this be really the tenor of their subsequent act? On the 16th of July a plan of ratification was proposed, which was rejected. On the 19th a conditional ratification was proposed, with a bill of rights prefixed, and amendments to be added. On the 23d it was moved that the words "on condition" should be struck out, and the words "in full confidence" substituted, which was carried by a majority of two. On the 26th the Constitution was ratified by a vote of 30 to 27, but prefaced by a declaration strictly reserving everything not expressly granted. A circular-letter directed to be laid before the Governors of the several *States* discloses the dubious character of even this slender majority :

"POUGHKEEPSIE, July 28, 1788.

"SIR: We, members of the Convention of this State, have deliberately and maturely considered the Constitution proposed for the United States. Several articles in it appear so exceptionable to *a majority of us* that nothing but the fullest confidence of obtaining a revision of them by a general convention, and an invincible reluctance to separating from our sister *States*, could have prevailed upon a sufficient number to ratify it without stipulating for previous amendments. We *all unite* in opinion that such a *revision* will be necessary to recommend it to the approbation of a numerous body of our constituents. \* \* Our attachment to our sister *States*, and the confidence we repose in *them*, cannot be more forcibly demonstrated than by *acceding* to a Government which many of us think very imperfect."

With absolute unanimity this Convention said: We are "acceding to a Government"; and with the same unanimity they said: Our reliance is on *States*. The people of all the *States*, as forming an aggregate community, was not distantly imagined.

Equally, in Massachusetts, ratification could only be obtained by the amendments proposed; of which the first was, "That it be explicitly declared that all powers not expressly delegated to Congress are reserved to the several *States*, to be by them exercised"—this being deemed by Samuel Adams "consonant with the second article in the present Confederation, that each *State* retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

The Constitution does not rest on popular ratification. By the vote of the people it was not ratified. It was created by the will of the *States*, acting as sovereigns. Rights are either natural or acquired. Is the right of the North to rule the South a natural right? Surely the sword of Washington was not drawn for that. Acquired rights (as distinct from violent wrongs) are only derived from agreement or compact. The relations between these United States did not originate in force. Then they

must have been created by compact. Where has this strange pretension been nominated in the bond? Each one of these sovereign States had fought for sovereignty and independence, and the sovereignty and independence of each had been acknowledged by the world. Is the relinquishment of that which has been painfully won a necessary or natural implication? Are freedom, sovereignty, and independence things to be waived by implication? Was the hard victory thrown away in the morning hour of rejoicing? Each new State has been admitted to become a member of the Federal Union, with the same rights of freedom, sovereignty, and independence as the other States. Is this solemn farce enacted on the hypothesis that the other States have no sovereignty, freedom, independence?

The only authority to modify the compact of the Confederation was the recommendation of Congress (February 21, 1787) that "a convention of delegates who shall have been appointed by the several States be held at Philadelphia, for the *sole and express purpose of revising the articles of confederation*, and reporting to Congress and the several Legislatures such alterations and provisions *therein* as shall, when agreed to in Congress and confirmed by the *States*, render the *Federal Constitution* adequate to the exigencies of government and the preservation of the Union." "The sole and express purpose" was *revision*, not revolution; not to change the existing compact to something which was not a compact, but to change it by alterations and provisions *therein*; to form "a more perfect Union" on the lines of the existing Union. The work of revision was to be prepared by the several States—*i. e.*, by delegates "appointed by the several States," and to have no binding force until "confirmed by the States." "The *Federal Constitution*," said William Lowndes, in 1812, "was instituted by the States, that the strength of the whole might be combined for the protection of any part which should be attacked." From this source arose the General Government, which the same great statesman said, in 1818, "has been created by the people, and for the people"; which Webster, in his reply to Hayne, called "the people's Government, made for the people, made by the people, and answerable to the people"; which was pronounced by Theodore Parker, in 1850, "the Government of all the people, by all the people, for all the people." The Federal Union becomes such a government by resting upon States which are such governments. It will remain such, just so far as it remains a government created by the voluntary act of the States for themselves and the people of each.

On the 25th of January, 1883, Mr. Edmunds, of Vermont, said in the Senate: "The notion of fidelity to one's own State, whether her course be thought right or not, is almost a natural instinct; and whether it be defensible on broad grounds or not, who does not sympathize with it?" One is tempted to say that it is "both almost and altogether" natural. It is a part of the immutable constitution of human nature. Upon such natural instincts true statesmanship is wont to build. Not irrelevant is the late speech of Gladstone: "If the maintenance of the Union by force, actual or in reserve, is necessary, the value of the Union is questionable." Therefore, in an article (*An Experiment in Federation*) in the *Nineteenth Century* for February, 1893, it is suggested by Sir Robert Stout: "There is one point that may be worth considering in this connection, and that is whether a *Federal Constitution* such as is proposed for the Australian Commonwealth should provide for the withdrawal of States from the federation; \* \* that a State refusing to accept a proposed change in any such fundamental provision should have the right to withdraw. Such a provision in the proposed Australian Constitution would be a *safeguard*." Such a *safeguard* Samuel Adams believed had been secured, and "in full confidence" of it other States than New York had acceded. "Ours," said Robert Goodloe Harper, in 1812, "is a Government of opinion, and not of force." So its origin proclaimed it. In respect to such a General Government and Federal Union, the language of Mr. Storrs, of New York, in the House, on the 18th of December, 1820, is a

rigid deduction of logic. "Whenever the period arrives that shall render it necessary to unite the States by the arm of force, the Confederacy dissolves with the moral principle which is the foundation of our Union." Such is the inevitable deduction from the premises, correctly stated in the Senate, by Mr. Hillhouse, of Connecticut (January 15, 1802). "This" (the Constitution) "is the bond of union between sixteen sovereign, independent States"; from what Mr. King, of New York, described, in the same body (March 18, 1824), as "the established provisions of the compact by which, under the guarantee of all to each, the States expected to remain separate, coequal, and sovereign republics."

At December term, 1860, on a motion in behalf of the State of Kentucky for a rule on the Governor of Ohio to show cause why a mandamus should not issue, commanding him to restore a fugitive from justice, the court, without a dissenting voice, decided: "The word 'duty,' in the act of 1793, means the moral obligation of the State to perform the compact in the Constitution, \* \* But Congress cannot coerce a State officer, as such, to perform any duty by act of Congress." After referring to the provision under the articles, it is said by the court: "But as these Colonies had then, by the Declaration of Independence, become separate and independent sovereignties, against which treason might be committed, their compact is carefully worded, &c.; and when these Colonies were about to form a still closer union by the present Constitution, but yet preserving their sovereignty, they had learned from experience the necessity of this provision. \* \* The performance of this duty, however, is left to depend on the fidelity of the State executive, to the *compact* entered into with the other States, when it adopted the Constitution of the United States." (*Commonwealth of Kentucky v. Dennison, Governor*, 24 How. 66.)

The logic of history would seem to have received judicial vindication.

### III.

"Of all forms of involuntary restraint, under which one class of human beings is subjected to the control of another class, that exerted by Southern masters and mistresses over their slaves was the mildest and least objectionable. The evidence of this fact is complete, from the relation of numerous impartial foreign witnesses; but the negative evidence is still more conclusive; for it is not known that, among the whole four millions of Southern blacks, any one has been found to have complained of grievous wrong from his owner to the armies which have penetrated their country. \* \* It is equally certain that the aggregate number of those who were seduced from their homes by the unceasing efforts of the Abolitionists, during a series of years, was really inconsiderable. \* \* During the whole progress of the long struggle, even after the President had promulgated his decree of emancipation, and when the armies of the United States had their most widely extended possession of Southern territory, no symptom of insurrection is known to have manifested itself among the slaves. This fact shows either great indifference to the boon of freedom on their part, or a singular degree of control exercised over them by their masters; perhaps both." (*Origin of the Late War* (George Lunt, Boston), p. 175.)

The *Christian Examiner* (Boston) of September, 1854, referring to the maxim of the anti-slavery movement, "unsparing hostility to slavery as a sin," comments as follows: "It is as ridiculous as it is unjust to represent slave-masters as mere tyrants or speculators in the limbs of men. Kind feeling springs up where human intercourse is so near and constant. For personal kindness and real affection towards the blacks, the Southerners are as much superior to us as we hold them inferior in the abstract sense of justice and right"—showing, the writer kindly adds, "that God may have endowed slave-holders with conscience and human feeling like our own."

It might not be underserving a casual thought, whether in the condition of the negro, "personal kindness and real affection" was not very nearly as useful as the "abstract sense of justice and right."

The free-soil Constitution of Kansas, framed at Topeka, and ratified by an overwhelming majority of the anti-slavery party, seems to deem the African race so inferior and degraded "as to exclude them forever from Kansas, whether they be bond or free." (Inaugural Address of Robert J. Walker, May, 1857.)

The phraseology of the framers had not ceased to be common parlance in 1836. In this year Governor Everett, in his message to the Legislature of Massachusetts, reminds them that it was "deemed a point of the highest public policy by the non-slaveholding States, notwithstanding the existence of slavery in their sister States, to enter with them into the present Union on the basis of the constitutional compact. That no union could have been formed on any other basis, is a fact of historical notoriety; and is asserted by General Hamilton, in the reported debates of the New York Convention for adopting the Constitution. This compact expressly recognizes the existence of slavery. \* \* Everything that tends to disturb the relations created by this compact is at war with its spirit. \* \* A conciliatory forbearance with regard to this subject in the non-slaveholding States would strengthen the hands of a numerous class of citizens of the South who desire the removal of the evil." The joint special committee to which this portion of the message was referred reported: "Whatever emotions such a view may excite in the mind of the philanthropist, the right of the master to the slave is as undoubted as the right to any other property. \* \* They (the committee) have no sympathy with that false benevolence which, in order to liberate the slave, is willing to destroy the hope of liberty itself by plunging the country in all the horrors of civil war. \* \* There is an appeal which this Legislature cannot safely resist. One of its first duties here is solemnly to swear that it will support the Constitution of the United States; and your committee beg gentlemen to consider how they will answer the observation of that oath, by promoting or countenancing those wild schemes which cannot but deprive their brother of the guarantee which that Constitution does provide for his security in the possession of his property and all its legal rights."

"Before this unfortunate agitation commenced a very large and growing party existed in several of the slave States in favor of the gradual abolition of slavery, and now not a voice is heard there in support of such a measure. The Abolitionists have postponed the emancipation of the slaves in at least three or four States of this Union for at least half a century." (James Buchanan, in United States Senate, January 4, 1838.)

Decisions which anticipated that made in the Dred Scott case were *Pollard's Lessee v. Hagan, et al.*, 3 How. 22; *Permoli v. Municipality*, *Id.* 610 (at January term, 1845); and *Strader v. Graham*, 10 *Id.* 82 (December term, 1850).

"The ordinance of 1787 cannot confer jurisdiction upon the court. It was itself superseded by the adoption of the Constitution of the United States, which placed all the States on a perfect equality, which they would not be if the ordinance continued to be in force after its adoption." (*Strader v. Graham, Id.*)

Justices Curtis and McLean dissented from the Dred Scott decision. Referring to the ordinance of 1787, the former says: "It does not appear to me to be important in this connection that the clause in the ordinance which prohibited slavery was one of a series of articles of what is therein termed a compact. The Congress of the Confederation had no power to make such a compact, nor to act at all on the subject." The learned justice argues, however, that as the Federal Congress did afterwards legislate in the case of Ohio and Tennessee, for example, to admit States under or exclude them from the operation of this ordinance, it shows "that it was then understood Congress might make a regulation prohibiting slavery." Certainly

it was so "understood," just as it was so "understood" by the Congress which passed the ordinance in 1787. The question was whether it was rightly so understood. The Federal Congress assumed that the ordinance of 1787 was competently enacted, which the learned justice himself says was an erroneous assumption. This great jurist had no misgivings as to the complete independence of the original parties to the federal compact. In a speech made in Boston, in 1850, he supposes the case that some one had been mad enough to rise in the ratifying convention of his State and say: "I deny that Massachusetts, as a sovereign and civilized State, has the rightful power to make this compact; for here is a stipulation in it, that persons held to service in States now foreign to us, escaping hither, shall be given up to be carried back again." He answers: "Has not a State the right to make compacts and treaties, and when they are made are they not to be kept?"

The following statement, made in the United States Senate seven years prior to the Dred Scott decision, one would think might have precluded the dissent in that case of Mr. Justice McLean:

"When the Wilmot proviso was first proposed—I have never concealed or denied that had it been pushed to a vote—I should have voted for it. \* \* In examining the Constitution, with reference to the whole matter, more narrowly than I had ever done before, I was startled by the conviction that no authority was granted in that instrument to Congress to legislate over the Territories; and that consequently there was no power to pass the Wilmot proviso. Not satisfied with my own impressions, and being unwilling to take such a ground without proper consideration, I determined immediately to converse with some person fully conversant with the history of the legislation and the judicial decisions on the subject. In looking about for that purpose, it immediately occurred to me that an eminent judge of the Supreme Court (Judge McLean, of Ohio), from his position and association, as well as from his residence in the West, could give me better information upon this subject than any other person. Anticipating that some discussion might soon arise that would render this explanation proper, I applied to that gentleman some days since, and requested his permission thus publicly to refer to him should I deem it necessary. This he cheerfully granted, and I now make use of his name with his own consent. I immediately repaired to him, and stated my doubts, as well as the circumstances which gave rise to them. I need not repeat the conversation here. It is enough to say he confirmed my impressions, and informed me that, in an article published in the *National Intelligencer* a day or two previously, which I had not seen, I would find his views fully set forth. That article has since been republished in other papers, and has attracted a good deal of attention, as it deserved, for it is powerfully written. I speak, sir, solely of the views which it presents of the power of Congress to legislate for the Territories. The question of slavery which it discusses, I do not refer to. After reading this article my doubts ripened into convictions, and I took the ground, to which I shall always adhere, that the Wilmot proviso is unconstitutional." (General Cass, in United States Senate, February 20, 1850.)

In 1848 the Senate appointed a committee, evenly divided between the sections, to consider measures for the organization of territorial governments in Oregon, California, and New Mexico. "As soon as we assembled, a proposition was made by a member of the South to extend the Missouri Compromise to the Pacific. You, sir, remember it well. The vote upon it stood: Four Northern members against it, and four Southern members for it. The proposition was renewed in every form in which we could conceive it would be proper, but our Northern friends rejected it as often as it was proposed. We discussed it; we entreated them to adopt it. We did not pretend that it was a constitutional measure, but it had been held by many as a compact between the North and the South, and in such an emergency as that then

existing, it had been justified by the people as a measure of peace. \* \* It appeared that if the line were extended to the Pacific, the free labor of the North would have the exclusive occupation of 1,600,000 square miles of land in the Territories outside of the States, and the South 262,000, in which, observe, slavery could only be tolerated in case the people residing there should allow it." (John M. Clayton, in United States Senate, March 1, 1854.)

It was on the motion of the same Senator, who was afterwards Secretary of State in Taylor's administration, that a compromise bill was reported to the Senate, asking for the reference of the whole matter to the Supreme Court, which passed the Senate, but was defeated in the House.

"I am against any Compromise line, yet I would have been willing to acquiesce in a continuance of the Missouri Compromise in order to preserve, under the present trying circumstances, the peace of the Union. One of the resolutions in the House to that effect was offered at my suggestion. I said to a friend there, 'Let us not be disturbers of the Union. Abhorrent to my feelings as is that Compromise line, let it be adhered to in good faith; and if the other portions of the Union are willing to stand by it, let us not refuse to stand by it.' \* \* But it was voted down by an overwhelming majority." (John C. Calhoun, in United States Senate, February 19, 1847.)

"If, according to the argument of the Senator from South Carolina, the Missouri Compromise was such an odious measure, and has had such an injurious effect upon the South, is it not singular that we find every Southern man voting for it and every Northern man voting against it whenever it is offered?" (Mr. Hale, of New Hampshire, March 19, 1850.)

"The legislative power of Congress on this subject (the recapture of fugitive slaves) has been recognized by the General Assembly of the State of Ohio in their statutes; by the Supreme Court of the United States, and by the Supreme Courts of Massachusetts, New York, Pennsylvania, Indiana, Illinois, California, by the Supreme Court of Ohio on the circuit, and, indeed, by the Supreme Courts of every State in the Union, where the question has been made, and has never been denied by the Supreme Court of any State—the courts of Wisconsin, notwithstanding the popular impression, not forming an exception." (*Ex Parte Bushnell*, 9 Ohio St. 78.)

It was on high State's-Rights ground that the legislation of 1850 was resisted in Wisconsin and elsewhere.

"The people referred to (in the preamble to the Constitution) must be intended to mean the people of the respective States. \* \* By the authority of the States were the people called upon to adopt or reject the Constitution. By the people of the respective States was it adopted, and when ratified by nine States (not a majority of the people of the Union to be formed), was it to become operative. \* \* On their separation from Great Britain, they were each sovereign and independent; as completely so as the government from which they had revolted. \* \* If that instrument (the Constitution) ceased to operate, the States would move on, performing their present functions, and probably resuming the powers before delegated." *In re Sherman Booth*, 3 Wis., 94, 95, 96. "As sovereigns they entered into the compact with sovereigns; as sovereigns will they execute." *Id.* 127. This opinion of the Wisconsin judges fairly illustrates a school of politics which has never failed to grasp tenaciously the federative character of the Union, so long as its adherents were out of power; and as loudly proclaimed that the United States was "a nation spelt with a big N," the first moment they were in.

"Sir, of all the bitterest enemies towards the unfortunate negro race, there are none to compare with these Abolitionists, pretended friends, who, like the Siamese twins, connect themselves with the negro; or, like the centaur of old, mount not on the back of a horse, but on the back of the negro, to ride themselves into power; and in order to display a friendship they feel only for themselves, and not for the negro race." (Henry Clay, in United States Senate, April 10, 1850.)

In 1853 the Legislature of Illinois enacted: "If any negro or mulatto, bond or free, shall hereafter come into this State and remain ten days, with the intention of residing in the same, every such negro shall be deemed guilty of a high misdemeanor, and for the first offense shall be fined \$50. \* \* If the said negro or mulatto shall be found guilty, and the fine assessed be not paid forthwith, \* \* the said justice shall at public auction proceed to sell said negro or mulatto to any person who will pay said fine and costs for the shortest time." In pursuance whereof, the following appeared in an Illinois paper:

"STATE OF ILLINOIS, } ss.  
ST. CLAIR COUNTY, }

"LEGAL NOTICE.—Whereas, Jackson Redman, a mulatto, was, on the 7th day of April, A. D. 1857, complained against, &c., agreeably to the act of February 12, 1853, to prevent the immigration of negroes and mulattoes; \* \* This, therefore, is to give notice that, at 1 o'clock P. M., on the 18th day of April, 1857, at my office, in Belleville, in said county, I will proceed to sell at public auction the services of the said Jackson Redman to any person or persons who will pay said fine and costs, for the shortest time, according to the provisions of the act aforesaid.

"Posted this 8th day of April, A. D. 1857.

"CASPER THRILL, *Justice of the Peace.*"  
(McCluskey's Political Encyclopedia, p. 249.)

A State which could enact and enforce the above statute might have experienced some compunctionous visitations for the South. What more did the South do than own and use the services of negroes or mulattoes cormorant in their commonwealths? And if the rare and random negro—the mere sporadic revelations of the dark continent—were in Illinois a nuisance, calling for such drastic legislation, what should preponderant numbers be in South Carolina and Mississippi? At this very time Abraham Lincoln was girding on his harness "to put in course of ultimate extinction" slavery in the South; to compel the Southern States to elevate their bondmen to freedom. Why did he not at once bethink himself of the barbarous statute of his own State, which reduced freemen to bondage?

There is indubitable evidence that, while in the Committee of Thirteen, he (Mr. Davis) was willing to accept the compromise of Mr. Crittenden, and recede from secession. This committee, and a House committee of thirty-three members, were then considering "the state of the Union." The compromise failed, because, as Senator Hale said, on the 18th day of December, 1860, the day it was introduced, it was determined that the controversy should not be settled in Congress. (S. S. Cox, "Three Decades," p. 69.)

The Territories had then an area of 1,200,000 square miles. The Crittenden proposition would have given the North 900,000 of these square miles, and applied the Chicago doctrine to that area. It would have left the remaining fourth substantially to be carved out as free or slave States, at the option of the people, when the Territories were admitted as States. This proposition the radicals denounced. Notwithstanding the President-elect was then in a minority of a million of the popular vote, they were determined, as Mr. Chase wrote to Portsmouth, Ohio, from the Peace Convention, to use the power while they had it, and to prevent a settlement. (*Id.* 78.)

"I knew the action of the South was not impulsive; I knew there was a reason for it. They said their capital was to be rendered worthless, their property to be destroyed, and their country made desolate. God forbid that I should chide them for thinking so!" (Mr. Granger, of New York, in the Peace Congress.)

"Thirty years ago the subject of abolishing slavery was agitated in Virginia. Some of the most eloquent speeches were made in favor of the abolition movement that I ever read. The act providing for gradual abolition was, I believe, lost by a

single vote. \* \* The North has taken this business of abolition into its own hands, and from the day she did so we hear no more of abolition in Virginia. \* \* The slave-trade was once fostered by the North ; that was when it was profitable, and when large fortunes were made in that trade by Northern men. When it became unprofitable, the North began to denounce it, and to call it sinful. Now we fastened this institution upon the South, cannot we permit her to deal with it as she chooses? I do not say that there is a necessary conflict between the white and black races, but I assert that they cannot unite—that they cannot occupy the same country upon an equality. Our free laborers of the North will not work with slaves or with blacks." (Mr. Ewing, of Ohio, *Id.*)

"I, as a Jerseyman, proud of the title, and everything connected with it, wish to say a word to the South in all frankness and candor. I freely tell you that in my opinion you are entitled to guarantees, and to constitutional guarantees." (Mr. Frelinghuysen, *Id.*)

The substance of Webster's speech, on the 7th of March, was that the status of the whole of Texas, south of 36°, 30', was already determined by law, which could not be repealed without the violation of contract ; that there was not left a single foot of soil, the future character of which was not already determined by the law of man, or more insuperable law of nature ; that the future of California and New Mexico was settled by the law of nature, of physical geography, and he saw no necessity to re-enact the will of God merely for the purpose of taunt and reproach. The only part of the country which admitted of slave labor was governed by the obligation of contract, which he for one would do nothing to impair. "I will not," he said in effect, "take an oath to support the Constitution and the laws with a mental reservation to disregard it. I will not join a party whose corner-stone is perjury." Of such were the *vera pro gratis* he dedicated to his constituents. For this New England sprang up, with a remorseless and reverberating wrath, to rend in pieces her most illustrious statesman ; for this all the low creeping things of abolition shed their venom on his life while he lived, and covered with the filth of their slime his memory when he died.

The anti-slavery agitation for an invariable restriction was "a good enough Morgan" for the purpose of consolidating the North, but for any purpose of real statesmanship was quickly adjudicated to be a sham by the Republicans themselves. Acts organizing the Territories of Colorado, Dakota, and Nevada, containing no word of prohibition on the subject of slavery, were passed by Republican majorities in both houses. Sumner, Wade, and Chandler acquiesced in the Senate. Thaddeus Stevens had no word of opposition in the House. "As matter of historic justice, the Republicans who waived the anti-slavery restriction should at least have offered and recorded their apology for any animadversions they had made upon the course of Mr. Webster ten years before. Every prominent Republican Senator who agreed in 1861 to abandon the principle of the Wilmot proviso, in organizing the Territories of Colorado and Nevada, had, in 1850, heaped reproach upon Mr. Webster for not insisting upon the same principle for the same Territory. \* \* It cannot be denied that this action of the Republican party was a severe reflection upon their prolonged agitation for prohibition of slavery in the Territories by congressional enactment." (Blaine's "Twenty Years," Vol. I, pp. 271, 272.)

"I am ready to say that if Congress were to attack within the States the institution of slavery, that then, Mr. President, my voice would be for war. \* \* Then we should be acting in defense of our rights, our domicils, our property, our safety, our lives." (Henry Clay, in 1850.)

It is true Clay added, that war waged to force the introduction of slavery into the Territories would not command the sympathy of mankind. But, however it may have been represented or misrepresented, the South certainly went to war for no

such purpose; for by the very act of secession the South had virtually relinquished the Territories with the Union. And the North certainly did not go to war to restrain the introduction of slavery into the Territories; for, in the first place, secession itself was the most effectual restraint which could possibly have been devised; and, in the second, the unmolested North had enacted the very legislation claimed to be productive of that end, and all the legislation for which the South had ever asked, just as that same North was clearing her decks for action, and about to give the word to fire.

"Suppose that the South was the most wealthy and the most populous, and possessed the greatest number of electoral votes, and that it should elect a President and Vice-President of slave-holders from the South to rule over the North. Do you think, fellow-citizens, that you would submit to this injustice? [Cries of "No!" "No!"] Truly you would not, but one universal cry of 'No' would rend the skies; and can you suppose your Southern brethren less sensitive than you on this subject, or less jealous of their rights? If you do, let me tell you that you are mistaken; and therefore you perceive that the consequence of the success of such a party, with such an object, must be the dissolution of this glorious Union." (Millard Fillmore at Rochester.—*National Intelligencer*, July 2, 1856.)

When the party to which Fillmore referred had secured the Executive and the House, and a majority of the States, and shouted from the house-tops their intention to so reorganize the Supreme Court as to reverse the prior decisions thereof; nay, which further advertised their intention to recompose not only the Constitution, but the Bible and Divine Providence generally to compass their ends, was it not natural for the South to say: Seeing that you have no compunctions of conscience in respect to treating with Brazil or Spanish Cuba, albeit they are slave-holding communities; seeing that you feel no contamination from the touch of slave-holders when they live elsewhere than in our commonwealths, and only feel constrained to interfere with the slaves of others where you are under clear engagement to do nothing of the kind; let us, then, be unto you even as Cuba or Brazil, with whom you observe your treaties, because you know in these cases "a bargain broken on one side is broken on all sides," although you spit upon the assurance of your own Webster, that the same truism is equally applicable to the sister States of your own Federal Union.

To this the reply, in substance, was: *Nec tecum possum vivere, nec sine te.*

But if, upon the mere admission of new States, it might be urged by Mr. Gross, of New York, in 1811, "Against a principle leading to such consequences, each and every of the original States may say, *Non in hac foedera veni*," how much more legitimately could it be claimed, when the thing proposed was not the mere admission of new States, but the destruction of old States, and the threatened coercion of their rights of property, and the States themselves, into a "course of ultimate extinction"?

The true issue between the sections was stated by Lord John Russell: "The North is fighting for empire, the South, for independence"; or, as announced by the President of the Confederacy in the midst of the conflict, "We are not fighting for slavery—we are fighting for independence."

## FIRST COMPANY.

*Roll of First Company Richmond Howitzers, as mustered into the service of the State of Virginia, April 21, 1861.*

*Captain . . . . . JOHN C. SHIELDS.*  
*First Lieutenant . . . . . W. P. PALMER.*  
*Second Lieutenant . . . . . E. S. McCARTHY.*

## PRIVATES.

Anderson, Lucius	Doggett, D. S.
Anderson, Thomas B.	Early, George W.
Armistead, Thomas S.	Eggleston, J. Cary
August, James A.	Ellett, James M.
Barnes, Edward	Flournoy, John
Barnes, Frank	Gibson, James W.
Barnes, Henry	Goddin, E. C.
Barr, John W.	Gretter, W. P.
Ballard, F. S.	Harrington, Charles A.
Ballard, William	Huffard, D. S.
Blackadar, W. H.	Harvey, W. L.
Bowen, J. J.	Harvey, Martin L.
Bradley, A. S.	Howard, Charles W.
Bugg, Wilson N.	Harwood, Charles
Boudar, Henry B.	Harris, B. F.
Binford, J. H.	Herring, John
Brander, James	Kean, W. C., Jr.
Binford, Napoleon	Keppler, Addison
Cullingworth, J. N.	Knight, R. D.
Cooke, J. Esten	Lewis, W. T.
Crump, George R.	Lewis, C. Montgomery
Croxton, Charles	Beake, P. S.
Dibrell, Anthony	McCreery, J. V. L.
Daniel, Fred. S.	McCabe, James E.
Davis, D. O.	Macon, Thomas J.
Drewry, W. S.	Marsden, Robert

Meade, Hodijäh	Sclater, L. H.
Moseley, John	Simpson, J. H.
Massie, Henry	Simons, W. E.
Michaud, Paul	Schooler, John H.
Morton, Allen	Townsend, H. C.
Palmer, William	Tatum, W. H.
Pleasants, Charles M.	Todd, Charles L.
Pleasants, John	Todd, William R.
Poindexter, George H.	Taliaferro, Whit.
Powell, Junius L.	Trabue, C. E.
Powell, Hugh L.	Williams, Henry S.
Puryear, W. H.	Wyatt, John W.
Rahm, Frank	Wyatt, Richard W.
Richardson, R. E.	Wayt, William
Steane, Edmund G.	Wise, John B.
Sublett, Henry	Wortham, R. C.
Selden, Charles	Whiting, Thomas
	Yancey, John B.

FIRST COMPANY RICHMOND HOWITZERS—LIST OF ENGAGEMENTS.

Falls Church, July 4, 1861.  
 Bull Run (Blackburn Ford), July 18, 1861.  
 Manassas, July 21, 1861.  
 White's Ferry, August 24, 1861.  
 Loudoun Heights, October 15, 1861.  
 Ball's Bluff, October 21, 1861.  
 Lee's Mill (Yorktown), April, 1862.  
 Dam No. 1 (Yorktown), April, 1862.  
 Williamsburg, May 5, 1862.  
 Seven Pines, May 31, 1862.  
 Savage Station, June 29, 1862.  
 Frayzer's Farm, June 30, 1862.  
 Malvern Hill, July 1, 1862.  
 Sharpsburg, September 17, 1862.  
 Fredericksburg, December 13, 1862.  
 Chancellorsville, May 1-4, 1863.

Gettysburg, July 2, 3, 1863.  
 Morton's Ford, February 6, 1864.  
 Spotsylvania, May 8-12, 1864.  
 Pole Green Church.  
 Cold Harbor, June 3, 1864.  
 Appomattox Station, April 8, 1865.

PAROLES FIRST COMPANY RICHMOND HOWITZERS.

Sergeant T. S. Armistead—one private horse.  
 Corporal C. A. Harrington.

PRIVATE.

L. C. Anderson,	E. C. Knight,
J. R. Booker,	J. B. Minor,
M. L. Cary,	J. C. Tatum,
G. L. Gregg,	S. M. Petticord,
W. J. Hardy, one private horse;	J. Williams.

Total enlisted, 12.

Temporarily with Hardaway's Battalion.

NOTE.—The First Company of Howitzers is not included in the published list of those surrendered at Appomattox, for the reason that by the interposition of the enemy's lines between them and the Courthouse, they had been cut off from the main body of the army.

On the evening before the surrender the Company, with other artillery, sustained and repulsed an attack by a body of the enemy's cavalry. A junction with the main body of the army being impracticable, the Company was marched in the direction of Lynchburg. In the early morning of the day of surrender, orders were received under which the battery was destroyed and the Company disbanded.

Nowhere did the command more faithfully discharge their duty than in those last days of trial and danger. Even after the disbandment a number of them made their way to North Carolina, intending to join Johnston's army.

## FIRST COMPANY.

## CAPTAINS.

Shields, John C.	McCarthy, Edward S.
Palmer, William P.	(Killed at 2d Cold Harbor, Va.)
	Anderson, R. M.

## LIEUTENANTS.

Williams, Henry S.	McCarthy, D. S.
Armistead, Robert	Moncure, Travers D.
Nimmo, John	

## ORDERLY SERGEANT.

Blackadar, William H.	(Wounded at Malvern Hill, Va.)
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## SERGEANTS.

Sclater, Lem H.	Poindexter, George H.
McCreery, J. V. L.	Dibrell, Anthony
Cooke, John Esten	(Wounded at Gettysburg, Pa.)
Todd, Charles L.	Wortham, Richard C.
Trabue, Charles C.	Knight, Robert D.

## CORPORALS.

Morton, Allen	Sublett, Harrison
(Killed at Gettysburg, Pa.)	(Wounded at Malvern Hill, Va.)
Yancey, John P.	Harrington, Charles A.
Steane, Edmund G.	Townsend, Harry C.
Williams, J. Peter	(Wounded at Williamsburg, Va.)

## PRIVATES.

Adkisson, C. Eugene	Ayres, Samuel B.
Anderson, James E.	Ayres, Thomas
Anderson, Junius H.	Baird, John D.
Anderson, Lucius W.	Ballard, F. Stribling
Anderson, Lewis C.	Ballard, William
Anderson, Thomas B.	Barksdale, Thomas
Arents, Frank S.	(Killed at Chancellorsville, Va.)
Armstead, Thomas S.	Barnes, Ed. F.
August, James A.	Barnes, Frank J.
Ayres, John G.	Barnes, Henry C.
(Wounded at 2d Cold Harbor, Va.)	Barnes, John

Barnes, Walker  
 Barr, John W.  
     (Wounded at Leesburg, Va.)  
 Barr, David  
 Baxter, George  
 Bean, W.  
 Bell, John  
 Bell, W. H.  
 Binford, James H.  
 Binford, Napoleon  
 Blair, Walter  
 Booker, George  
     (Wounded at Gettysburg, Pa.)  
 Booker, J. R.  
 Booker, R. M.  
 Boudar, Henry B.  
 Bowen, J. J.  
 Bowman, S. H.  
 Boyd, W. T.  
 Bradley, A. Sidney  
 Brander, James  
     (Died in service.)  
 Bransford, John  
 Bugg, W. N.  
 Burr, Henry  
 Camm, Charles  
 Care, Riter G.  
 Carter, Dr. L. W.  
     (Wounded at 2d Cold Harbor, Va.)  
 Carter, H. C.  
 Carter, James T.  
 Carter, S. J.  
 Cary, Howard  
 Cary, William L.  
 Chesterman, A. D.  
 Close, Robert  
 Colburn, William S.  
     (Died in service.)  
 Coyle, Cornelius  
     (Wounded at Spotsylvania, Va.)  
 Crouch, F. Nichols  
 Crump, George R.  
     (Wounded at Seven Pines, Va.)  
 Croxton, Charles C.  
 Cubbage, W.  
 Cullingworth, Joseph N.  
 Dame, William M.  
 Daniel, Frederick S.  
 Davis, D. O.  
 Davis, Joe  
 Denman, A. M.  
 Dennie, G. H.  
 Dibrell, Watson S.  
 Dooley, C. W.  
 Doggett, David S.  
 Drewry, William S.  
 Dupuy, B. H.  
 Early, George W.  
 Edmundson, Henry  
     (Died in service.)  
 Eggleston, J. Cary  
     (Killed at Spotsylvania, Va.)  
 Ellett, James M.  
 Ellis, George H.  
 Ellis, J. H.  
 Ellyson, W. Preston  
 Eustace, William H.  
 Exall, George  
 Finney, William  
     (Died in service.)  
 Flournoy, John J.  
 French, J.  
 Friend, Charles N.  
 Gibson, James W.  
 Goddin, Ed. C.  
 Gravatt, George  
 Gray, Charles  
 Gray, Ed.  
 Gray, James T.  
     (Wounded at Appomattox, Va.)  
 Gray, Somerville  
     (Wounded at Gettysburg, Pa.)  
 Gretter, W. Plummer  
 Grigg, George L.  
 Grundy, T. B.  
 Guigon, A. B.  
 Hardy, William J.  
 Harris, B. T.  
 Harrison, C. A.  
 Harrison, George B.  
 Harrison, H.  
 Harrison, W. J.  
 Harrison, W. L.

Harvey, Martin L.  
 Harvey, Wash. L.  
 Harwood, C. W.  
 Herring, Elbridge  
 Herring, John H.  
     (killed at Malvern Hill, Va.)  
 Herring, William D.  
 Higgason, Arthur  
 Howard, Charles  
 Howard, John C.  
 Huffard, D. S.  
 Kean, W. C.  
 Kean, W. C., Jr.  
     (Wounded at Malvern Hill, Va.)  
 Keisir, C.  
 Kelley, Robert J.  
 Kepler, Henry  
     (Wounded at Gettysburg, Pa.)  
 Kepler, Addison  
 Kinsolving, C. J.  
 Lambert, J. Ben  
     (Wounded at 2d Cold Harbor, Va.)  
 Lamkin, William A.  
 Leake, P. S.  
 Lee, George  
 Lewis, C. M.  
     (Died in service.)  
 Lewis, William T.  
 Macon, Thomas J.  
 Madden, —  
 Mallory, Ben  
 Malone, P.  
 Marsden, F. C.  
 Marston, Robert  
     (Died in service.)  
 Martin, S. Taylor  
 Massie, Henry  
 Maury, Robert H., Jr.  
     (Wounded at Fredericksburg, Va.)  
 McCabe, James E.  
 McCabe, George  
     (Died in service.)  
 McCandlish, Robert  
     (Wounded at Gettysburg, Pa., and  
     2d Cold Harbor, Va.)  
 McKenna, John T.  
 McMillan, Charles

McNamee, J.  
     (Wounded at Gettysburg, Pa.)  
 McReynolds, S.  
 Meade, Hodijah  
 Meade, Peyton  
 Michaud, Paul  
 Minor, Jesse B.  
 Moore, Ed.  
 Moore, Robert F.  
 Moore, W. S.  
 Moran, Michael  
 Morris, Wm.  
 Morrison, Charles  
 Morrison, —  
     (Killed at Sharpsburg, Md.)  
 Mosby, —  
 Mosby, O. A.  
 Moseley, John  
     (Killed at Pole Green Church, Va.)  
 Niven, T. M.  
 Ogden, Dewees  
     (Killed at Gettysburg, Pa.)  
 Page, John W.  
     (Died in service.)  
 Page, Carter  
 Page, William H.  
 Palmer, W. W.  
 Parker, William  
 Parrott, A. B.  
 Peachy, T. Griffin  
 Perry, W. H.  
 Petticord, S. M.  
     (Died in service.)  
 Pleasants, Charles M.  
     (Wounded at Spotsylvania, Va.)  
 Pleasants, John W.  
     (Wounded at Gettysburg, Pa.)  
 Pleasants, William A.  
 Poindexter, Charles  
     (Wounded at Gettysburg, Pa.)  
 Pollard, Byrd G.  
 Powell, Ed. W.  
 Powell, Hugh L.  
 Powell, J. L.  
 Price, Overton B.  
     (Wounded at Malvern Hill, Va.)  
 Puryear, W. H.  
     (Died in service.)

Rahm, Adolphus  
 Rahm, Frank  
 Read, Nicholas C.  
 Redd, Lewis  
 Rennie, G. H.  
 Richardson, Abner M.  
 Richardson, George P.  
 (Wounded at Chancellorsville, Va.)  
 Richardson, Robert E.  
 Robinson, Leigh  
 Rowland, R. Grattan  
 Royall, John B.  
 (Wounded at Chancellorsville and  
 Savage Station, Va.)  
 Royall, R. W.  
 Schooler, John H.  
 Scott, Charles  
 Scott, John A.  
 Sears, DeWitt  
 Seay, John W.  
 Seay, Joseph  
 Selden, Charles  
 Selden, Nathaniel  
 (Killed at Chancellorsville, Va.)  
 Simons, W. E.  
 Simpson, J. Harvie  
 Skinner, Ed.  
 Smith, Bathurst L.  
 Smith, W. P.  
 (Wounded at Gettysburg, Pa.)  
 Snead, E. B.  
 Snead, J. H.  
 Snead, Dr. Albert  
 South, T. J.  
 Stiles, Eugene W.  
 Stiles, Robert  
 Stiles, Randolph R.  
 (Wounded at Cold Harbor, Va.)  
 Taliaferro, C. C.  
 Taliaferro, Whit.

Taliaferro, William  
 Tatum, John C.  
 Tatum, William H.  
 Terrell, Henry  
 (Killed at Gettysburg, Pa.)  
 Todd, John W.  
 (Wounded at Cold Harbor, Va.)  
 Todd, W. R.  
 (Died in service.)  
 Trent, S. W.  
 Tucker, Ben F.  
 Tyler, J. H.  
 Vaiden, Samuel E.  
 Vest, George S.  
 Waddill, William L.  
 (Killed at Malvern Hill, Va.)  
 Washington, Wallace  
 Wayt, William  
 (Died in service.)  
 Wharton, Richard G.  
 White, Thomas Ward  
 White, William G.  
 (Died in service.)  
 Whiting, Thomas L.  
 (Wounded at Williamsburg, Va.)  
 Williams, Frank S.  
 Williams, Fred.  
 Williams, John N.  
 Williams, Joseph G.  
 Williams, Watson L.  
 Williamson, Joseph A.  
 Wingo, Charles E.  
 (Wounded at Sharpsburg, Md.)  
 Wynne, Arthur Lee  
 (Died in service.)  
 Wise, John B.  
 (Wounded at Malvern Hill, Va.)  
 Wise, Lewis A.  
 Wyatt, John W.  
 Wyatt, Richard W.  
 Wyatt, Thomas B.

## SECOND COMPANY.

*Roll of Second Company Richmond Howitzers, as mustered into the service of the State of Virginia, as printed in a Richmond paper at the time (1861), and preserved in a scrap-book at the Virginia State Library.*

*Captain . . . . . J. THOMPSON BROWN.  
First Lieutenant . . . . JAMES ELLETT.  
Second Lieutenant . . . . WILLIAM M. ARCHER.*

The other officers not known. This company is at Gloucester Point.

Allen, H.	Garnett, W. J.
Angel, J. C.	Halyburton, W. J.
Barnes, L. R.	Hill, Charles
Brent, T. C.	Hill, Frank D.
Baker, T. R.	Hill, W. R.
Booker, Lewis	Hill, Lewis R.
Bell, R. F.	Hullihan, W. O.
Bell, Thomas	Harvey, M. L.
Burnley, H. M.	Hudnall, Henry
Binford, S. J.	Hobson, G. W.
Cardwell, William M.	Hughes, Stephen B.
Crane, C. T. C.	Jones, L., Jr.
Carter, S. S.	Jones, L. F.
Clarke, D. B.	Jones, H. S.
Crump, G. T.	Kirby, R. L.
Christian, Jordan C.	Langhorne, J. B.
Corbin, N. M.	Morton, T. E.
Duvall, William	Miller, M. O.
Davis, T. J.	McCarthy, William H.
Ellett, John S.	Moore, J. B.
Estern, W. B.	Mayo, J. B.
Fitzhugh, J. S.	McRae, Wallace
Guigon, A. B.	Pleasants, R. B.

Pollard, Thomas	Terrell, Mahlon
Pleasants, H. R.	Timberlake, L. W.
Parrack, Thomas C.	Vest, J. H.
Place, George	West, John W.
Sutton, Charles W.	Williams, Joseph P.
Shook, H. C.	Wynne, C. H.
Sheppard, W. L.	Wharton, John Z.
Terrell, Joseph	Werth, John
Yates, James A.	

## BATTLES.

Combat with the gunboat	Winchester.
“Yankee.”	Gettysburg.
Battle of Bethel.	Hagerstown.
Siege of Yorktown.	Mine Run.
Williamsburg.	Spotsylvania, 10th, 12th,
Seven Pines.	and 18th May, 1864.
Seven Days’ Battle Richmond.	Hanover C. H.
Maycock’s Point.	Second Cold Harbor.
Charlestown.	New Market Heights.
Fredericksburg, December 13, 1862.	Cedar Creek.
Catherine Furnace.	Siege of Petersburg.
Chancellorsville.	Sailor’s Creek.
	Appomattox.

## MUSTER-ROLL OF SECOND COMPANY RICHMOND HOWITZERS (CUTSHAW’S ARTILLERY BATTALION), APRIL 9, 1865.

<i>Captain</i> . . . . .	L. F. JONES.
<i>Second Lieutenant</i> . . . . .	JOSEPH C. ANGEL.
<i>Junior Second Lieutenant</i> . . .	WALLACE MCRAE.
<i>Sergeant-Major</i> . . . . .	LANEY JONES.
<i>Quartermaster-Sergeant</i> . . .	WM. G. MORDECAI.
<i>Second Sergeant</i> . . . . .	R. B. PLEASANTS.
<i>Third Sergeant</i> . . . . .	JOHN S. ELLETT.
<i>Fourth Sergeant</i> . . . . .	ROBERT S. BOSHER.

<i>First Corporal</i>	W.M. H. McCARTHY.
<i>Second Corporal</i>	GEO. W. MORDECAI.
<i>Third Corporal</i>	DAVID B. CLARKE.
<i>Fourth Corporal</i>	JOSEPH J. COCKE.
<i>Fifth Corporal</i>	JOSEPH E. MAXEY.
<i>Eighth Corporal</i>	L. B. FRANKLIN.

## PRIVATES:

Atkinson, James T.	Lemon, William
Allgood, John T.	Lewis, Theo.
Bosher, E. J.	Mann, William J.
Burnley, C. T.	McCarthy, Julian
Chapman, John E.	McCarthy, Carlton
Ellyson, J. T.	Miller, C. M.
Fitzgerald, N.	Mordecai, John B.
Grigg, James A.	Neighbors, William
Hudson, William D.	Palmer, Charles T.
Hall, W. N.	Puryear, William H.
Jessie, James M.	Semple, G. W.
Jones, John T.	Taliaferro, J. C.
Jones, Peter L.	Waldrop, John
Johnson, William R.	Winston, J. D.
Justice, D. O.	Worsham, L. W.
Lawrence, S. R.	Worsham, W. G.
Leftwich, T. R.	Wingo, William J.

Report of arms-bearing men in battle 9th April, 1865, viz.: 3 commissioned officers and 22 enlisted men—total, 25.

L. F. JONES, *Captain,*  
*Second Company Richmond Howitzers.*

Official copy:

S. V. SOUTHALL, *A. A. A. General Long's Artillery.*

NOTE.—The above is copied from the *original official copy* in the possession of the Southern Historical Society.

The report above shows only twenty-two men in battle the 9th April (arms-bearing), while the names counted show forty-five. The explanation is simply that twenty-three men had no arms in their hands.

They, however, followed the company closely on the march and in line, and shared all its dangers.

NOTE.—First Lieutenant Jones, whose name does not appear, was mortally wounded before the company reached Appomattox. Ragland, Binford, Pearson, and others were wounded; Hampton was killed; Creed T. Davis and others were made prisoners, and others, from various causes, could not reach Appomattox. This note is made that the future historian of the company may be reminded to look into these particulars, and, as far as may be, do justice to all.—EDITOR.

Members of the company surrendered by General Long, Brigadier-General Artillery, while on duty at his headquarters on 9th April, 1865:

S. W. Barnes, Corporal;  
T. R. Lumpkin,

T. C. Brent,  
H. C. Shook.

NOTE.—The four names above are from the original official papers in possession of the Southern Historical Society.

## SECOND COMPANY.

## CAPTAINS.

Brown, J. Thompson	Watson, David
Hudnall, Henry	Jones, Lorraine F.

## LIEUTENANTS.

Archer, William M.	Booker, Lewis
Sheppard, William L.	Jones, Henry S.
Garnett, Walter	Angel, J. C.
	McRae, Wallace

## SERGEANTS.

Guigon, A. B.	Terrell, Mahlon
Wharton, John Z.	Christian, George L.
Hughes, Stephen B.	Ellett, John S.
Crane, Charles T. C.	Bosher, Robert S.
Hallyburton, William G.	Chappell, Joseph E.
Jones, Laney, Jr.	Mordecai, William Y.
Pleasants, Reuben B.	Van Name, P. M.
Vest, John H.	Williams, Joseph G.

## CORPORALS.

Caldwell, William M.	Mordecai, George W.
Werth, John	Cocke, Joseph J.
Hobson, George W.	Barnes, Silas W.
Miller, Montgomery G.	Clarke, David B.
McCarthy, William H.	Maxey, Joseph E.
Hawes, S. H.	Franklin, L. B.

## PRIVATES.

Abell, J. D.	Atkisson, J. T.
Ackerman, James J.	Baker, T. Roberts
Allen, Harvey G.	Barker, W. V. B.
Allen, Henry C.	Barker, William C.
Allgood, E. A.	Barns, H. G. H.
Allgood, S. D.	Barns, L. R.

Barry, John  
 Bass, W. H.  
 Bedford, Henry  
 Bell, R. F.  
 Bell, Thomas Read  
 Binford, Ballard  
 Binford, James E.  
 Binford, Napoleon  
 Binford, S. J.  
 Blanton, William E.  
 Botto, Frank  
 Booker, Thomas  
 Brent, T. Carroll  
 Brooks, A. E.  
 Brown, George W.  
 Bryan, St. George T. C.  
 Bosher, E. J.  
 Burnley, H. Martin  
 Buchanan, Martin  
 Buchanan, William  
 Burnley, Charles T.  
 Calayo, John A.  
 Carson, J. C.  
 Carter, George A.  
 Carter, Sam S.  
 Casey, James  
 Chapman, James  
 Charles, John  
 Chew, —  
 Chinn, George E.  
 Christian, J. C.  
 Christian, R. L.  
 Cocke, C. E.  
 Cocke, Chastain E.  
 Cocke, Erasmus  
 Coke, R. B.  
 Corbin, N. M.  
 Crane, Henry R.  
 Craycraft, James E.  
 Cross, John  
 Crump, George R.  
 Davis, Creed T.  
 Davis, T. J.  
 Davis, William L.  
 Dawson, —  
 Douglas, W. T.  
 Drew, Dr.  
 Drilling, John (bugler)  
 Dunn, W. W.  
 Duval, Alexander  
 Duval, William W.  
 Eastin, William B.  
 Ellett, W. W.  
 Elliott, William  
 Ellyson, J. Taylor  
 England, John  
 Faxon, John W.  
 Fitzhugh, John S.  
 Fitzgerald, N. M.  
 Fleming, A.  
 Fleming, John S.  
 Fleming, V. M.  
 Fleming, William B.  
 Foster, James B., Jr.  
 Foulkes, J. W.  
 French, J. Compton  
 Garnett, Booker  
 Garnett, William J.  
 Gouldin, Samuel R.  
 Green, Samuel S.  
 Grigg, James A.  
 Hagan, John  
 Hamilton, W. H.  
 Hansborough, —  
 Harlow, H. M.  
 Harrison, Thomas R.  
 Harvey, M. L.  
 Harvey, W. G.  
 Heath, William  
 Hill, Charles  
 Hill, Frank D.  
 Hill, Lewis R.  
 Hill, W. R., Jr.  
 Hilliard, Richard  
 Hines, John  
 Hobson, F. Deane  
 Hodges, J. T.  
 Houston, Archer

Houston, John W.  
 Hudson, W. D.  
 Hughes, George P.  
 Hullihen, Rev. W. Q.  
 Hundley, Joseph W.  
 Hutcheson, Hugh  
 Hutcheson, W. K.  
 James, John  
 Jessee, Jim M.  
 Johnson, W. R.  
 Jones, "Chinch"  
 Jones, J. T.  
 Jones, "Jack"  
 Jones, John Peter  
 Jones, John Wiley  
 Jones, L. Jr.  
 Jones, Peter L.  
 Justice, Daniel O.  
 Kemp, Wyndham  
 Kenna, —  
 Kennedy, William M.  
 Kersey, Robert  
 Kirby, R. M.  
 Kirby, W. Reynolds  
 Lampkin, —  
 Langhorne, J. B.  
 Lawson, Alexander  
 Lawson, Campbell G.  
 Lee, Harry  
 Lee, W. P.  
 Lee, W. W.  
 Leftwich, Thomas R.  
 Lemmon, William  
 Lewis, William P.  
 Luck, —  
 Lumpkin, James  
 Mahone, William  
 Mann, Judge George E.  
 Mann, W. J.  
 Maupin, James R.  
 Mayo, Dr. Theodore P.  
 Mayo, John B.  
 McCarthy, Carlton  
 McCarthy, Julian  
 McKenna, Luke  
 McKinney, James S.  
 Miller, Charles M.  
 Miller, Henry  
 Miller, J. A.  
 Miller, Polk  
 Mills, John  
 Moore, J. B.  
 Mordecai, John B.  
 Morris, Walter H. P.  
 Morton, T. E.  
 New, John  
 Neibors, William  
 Otey, Gaston  
 Otto, John  
 Palmer, Charles T.  
 Palmore, Thomas W.  
 Parrot, T. C.  
 Patterson, R. G.  
 Pearson, James E.  
 Pendleton, Hugh T.  
 Pendleton, Samuel H.  
 Pistoletti, — (bugler)  
 Place, George  
 Pleasants, H. R.  
 Pollard, Thomas  
 Potts, John  
 Price, Overton  
 Pryor, John  
 Puryear, H. H.  
 Ragland, John S.  
 Rennie, Rev. Joseph R.  
 Roan, —  
 Roark, C.  
 Robinson, Andrew  
 Robinson, Leigh  
 Robinson, R. Calvin  
 Robinson, T. V.  
 Scruggs, George F.  
 Selden, John  
 Semple, G. W.  
 Shook, Henry C.  
 Skinker, Charles R.  
 Slater, William L.

Slaughter, Thomas W.  
Smith, H.  
Smith, Thomas A.  
Smith, W. A.  
Smith, W. G.  
Sutton, Charles W.  
Taliaferro, John C.  
Tallman, W. H.  
Tatum, L. B.  
Temple, B. Brook  
Temple, Roy  
Terrell, Joseph  
Timberlake, L. W.  
Tinsley, James G.  
Tompkins, M. W.  
Trent, Stephen  
Tuck, E. J.  
Tuck, W. C.  
Vest, John W.  
Waldrop, John  
Yates, James A.  
Walford, —  
Wallford, Ed. F.  
Watkins, Samuel V.  
Welford, R. Corbin  
Welford, William N.  
Westheimer, —  
Wharton, John J.  
White, W. T.  
Williams, C. U.  
Wilson, Joseph J.  
Wingfield, W. T.  
Wingo, W. J.  
Winn, C. H.  
Winston, James D.  
Winston, William C.  
Woodhouse, J. G.  
Worsham, L. W.  
Worsham, W. G.  
Wright, Hon. T. R. B.  
Yancey, Stephen D.

## THIRD COMPANY.

*Roll of the Third Company, as mustered into the service of the State of Virginia, as published in Richmond daily papers, and preserved in a scrap-book in the Virginia State Library.*

<i>Captain</i> . . . . .	ROBERT C. STANARD.
<i>First Lieutenant</i> . . . . .	E. F. MOSELEY.
<i>Second Lieutenant</i> . . . . .	JOHN M. WEST.
<i>First Sergeant</i> . . . . .	A. J. C. DICKENSON.
<i>Second Sergeant</i> . . . . .	B. H. SMITH.
<i>Third Sergeant</i> . . . . .	H. L. POWELL.
<i>Fourth Sergeant</i> . . . . .	W. B. GRETTER.
<i>First Corporal</i> . . . . .	H. C. CARTER.
<i>Second Corporal</i> . . . . .	A. C. PORTER.
<i>Third Corporal</i> . . . . .	H. C. TINSLEY.
<i>Fourth Corporal</i> . . . . .	R. M. VENABLE.

## PRIVATES:

Armistead, —. —.	Estill, Henry
Archer, A. B.	Flournoy, John J.
Anderson, Joseph J.	Gardner, M. H.
Argyle, Joseph W.	Garrett, Ashton
Arents, George	Gretter, F. P.
Archer, W. O.	Gordon, E. C.
Boisseau, Thomas -	Houston, John W.
Bullington, Heber	Hufford, D. S.
Brown, R. B.	Harwood, Charles W.
Brooks, M. G.	Hart, George
Courtney, W. B.	Holladay, Alexander L.
Cardozo, Charles E.	Hutcheson, John H.
Carr, Dabney G.	Hunt, Claiborne
Crump, E. M.	Jones, R. W.
Chandler, C. S.	Johnson, George E.
Eskridge, A. P.	Lewis, Lucien
Eckles, I. A.	Liggan, S. H.

Lumpkin, L.	Redd, L. W.
Lynham, J. A.	Roberts, W. H.
Lorraine, E. C.	Ratcliffe, William P.
Morris, E. P.	Scott, P. G.
Miller, James M.	Snead, William J.
Manders, J. M.	Saunders, William H.
Manders, John	Smith, Rufus G.
McCabe, W. G.	Tuck, W. T.
Mann, William M.	Thaxton, George D.
Mann, Charles W.	Thornton, Henry F.
Nicholas, Sidney S.	Utz, J. S.
Paine, William P.	Wakeham, John K.
Pairo, Thomas W.	White, William L.
Priddy, Robert B. D.	Winn, William H.
Quarles, Thomas W.	White, W. S.
Reed, W. M.	Williams, Charles W.

LIST OF ENGAGEMENTS IN WHICH THE THIRD COMPANY  
HOWITZERS PARTICIPATED.

Bethel Church, June 10, 1861.  
 Drewry Skirmish, July 5, 1861.  
 Ellerson's Mill, June 30, 1862.  
 Gaines' Mill, July 1, 1862.  
 Frayzer's Farm, July 3, 1862.  
 Maycock Landing, August, 1862.  
 Charlestown, October 16, 1862.  
 Williamsport, Md., September 19, 1862.  
 Fredericksburg, December 13, 1862.  
 Catherine Furnace, May 2, 1863.  
 Chancellorsville, May 3, 1863.  
 Winchester, June, 1863.  
 Gettysburg, July 3 and 4, 1863.  
 Mine Run.  
 Spotsylvania Courthouse, 10th, 12th, and 18th May, 1864.  
 Pole Green Church, June 1, 1864.  
 New Market Heights, August 14 and 16, 1864.

Deep Bottom, September 29, 1864.  
 Laurel Hill Church, September 29, 1864.  
 Darbytown Road, October, 1864.  
 Deatonsville, April 6, 1865.  
 Appomattox Courthouse, April 9, 1865.

APRIL 9, 1865.

*Roll of Officers and Men Present at the Last Engagement of  
 the Third Company Richmond Howitzers.*

<i>Captain</i> . . . . .	B. H. SMITH, JR.
<i>First Lieutenant</i> . . . . .	HENRY C. CARTER.
<i>Second Lieutenant</i> . . . . .	WM. PLUMER PAYNE.
<i>Junior Second Lieutenant</i> . .	WM. M. READ.
<i>First Sergeant</i> . . . . .	W. B. GRETTER.
<i>Second Sergeant</i> . . . . .	GEO. D. THAXTON.
<i>Third Sergeant</i> . . . . .	L. LUMPKIN.
<i>Fourth Sergeant</i> . . . . .	WM. S. WHITE.
<i>Second Corporal</i> . . . . .	M. H. GARDNER.
<i>Third Corporal</i> . . . . .	P. A. SUBLETT.
<i>Fourth Corporal</i> . . . . .	O. V. SMITH.
<i>Seventh Corporal</i> . . . . .	J. J. FLOURNOY.
<i>Eighth Corporal</i> . . . . .	T. V. BROOKE.
<i>Commissary-Sergeant</i> . . .	W. J. SYDNR.

PRIVATES.

Anderson, J. J.	Bernard, D. W.
Armistead, W. M.	Bowles, A. S.
Austin, John M.	Crump, J. A.
Austin, T. H.	Cullen, E. F.
Bullington, Heber	Cardoza, E. S.
Boisseau, T.	Casey, J. E.
Boisseau, C.	Chew, P. H.
Barksdale, H.	Chastain, J. B.
Brooke, Richard	Clark, Samuel
Brent, W. C.	Davis, S. N.
Burwell, D. S.	Donnan, David

Ellett, E. J.	Mayo, W. C. A.
Evans, H. T.	Mayo, T. T.
Fourqurean, Joseph M.	Manders, John
Fourqurean, M. U.	Miller, T. M.
Fourqurean, C. B.	Mahoney, E. N.
Flournoy, Henry W.	Majors, S. C.
Fisher, W. H.	Morgan, John H.
French, J. H.	Porter, P. B.
Foster, S. M.	Porter, G. W.
Green, W. W.	Porter, D. E.
Goode, R. B.	Piet, W. A.
Gambol, R. J.	Puller, W. B.
Gardner, H. D.	Powell, J. P.
Hammond, J. J.	Powell, T. L.
Herring, W. D.	Roper, H.
Harris, J. L.	Sublett, E. H.
Harris, J. C.	Sublett, W. B.
Jones, J. L.	Sublett, C. T.
Jones, E. V.	Smith, W. N.
Jones, W. R.	Santos, A. F.
Jones, W. T.	Sydnor, R. T.
Jones, H. R.	Sheppard, S. C.
Jones, T. S.	Sizer, J. T.
Johnson, George E.	Taliaferro, A. F.
Keesee, T. O.	Trice, J. J.
Layne, George T.	Tyler, E. G.
Lyne, W. H.	Winn, E. A.
Lear, W. W.	Winfree, Powhatan
Manders, J. M.	Winfree, Reuben

## THIRD COMPANY.

## CAPTAINS.

Stanard, Robert C.  
 (Died in service, 1861.)  
 Moseley, Edgar F.  
 (Killed at Petersburg, 1864.)

Smith, Benjamin H., Jr.  
 (W'd, Charlestown, Va., Oct. 16, 1862.)

## LIEUTENANTS.

West, John M.	Carter, Henry C.
Utz, James S.	(W'd, Charlestown, Va., Oct. 16, 1862.)
(Killed, Fredericksburg, Dec. 13, '62.)	Payne, William Plummer
	Read, William M.

## ORDERLY SERGEANTS.

Dickinson, J. C.	
Porter, Algernon C.	Gretter, William B.
(Killed at Gettysburg, July 3, 1863.)	

## SERGEANTS.

Powell, Hugh L.	Lumpkin, Leonzio
Tinsley, Henry C.	(W'd, Spotsylvania C. H., May 10, '64.)
White, William L.	White, William S.
Wakeham, John K.	Quarles, Thomas H.
(Kil'd, Catherine Furnace, M'y 2, '63.)	
Thaxton, George D.	Sydnor, William J.
(W'd, Spotsylvania C. H., May 10, '64.)	

## CORPORALS.

Venable, Richard M.	Brooke, T. Vaiden
Smith, Oscar V.	Roberts, R. R.
Hunt, Claiborne B.	(Wounded at Fredericksburg, December 13, 1862, and on Darbytown Road, October 27, 1864.)
Sublett, Peter A.	
Gardner, Miles H.	Howard, Edward C.
(W'd, Darbytown Road, Oct. 27, 1864.)	(Kil'd, Spotsylvania C. H., M'y 10, '64.)
Flournoy, John J.	

## GUIDON.

Fourqurean, Charles B.

## PRIVATES.

Alsop, Boswell	Armstead, W. M.
Anderson, Joseph J.	Austin, J. M.
(Wounded, Chancell'sv'le, May 2, '64.)	Austin, T. H.
Andrews, A. J.	Barksdale, H. W.
(Wounded, Gettysburg, July 3, 1863.)	Barksdale, T. W.
Archer, Alexander B.	Bass, H. O.
Archer, Burke	Bass, Robert P.
Archer, W. S.	Benthall, John
Arents, Frederick	Bernard, D. W.
Arents, George A.	Blain, Randolph H.
Argyle, Joseph W.	

Blanks, G.  
 Bohannan, Joseph T.  
 (Kil'd, Spotsylvania C.H., May 10, '64.)  
 Boisseaux, C. C.  
 Boisseaux, T.  
 Bowles, A. S.  
 Breeden, Haskins  
 Breeden, W. J., Jr.  
 Brent, William C.  
 Brooks, M. G.  
 Brooke, Richard  
 Brown, Birley R.  
 (Killed, Charlestown, Va., Oct. 16, '64.)  
 Bugg, John R.  
 Bullington, H. C.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Burwell, Daniel S.  
 Cardozo, Charles E.  
 Cardozo, Edward S.  
 Cardwell, P. H.  
 Carlton, George  
 (Died in service.)  
 Carr, Dabney J.  
 Cassidy, James E.  
 (Killed, Charlestown, Va., Oc. 16, '62.)  
 Casey, J. E.  
 Casey, J. K.  
 Chamberlain, Richard C.  
 Chandler, R. C.  
 Chastain, James B.  
 Chew, P. H.  
 Clarke, Samuel O.  
 Cottrell, J. T.  
 Courtney, W. B.  
 Cox, B. H.  
 Cropper, George T.  
 Crump, E. M.  
 Crump, John A.  
 Cullen, Edward F.  
 (Wou'd, Frayzer's Farm, July 3, '62.)  
 Davis, S. H.  
 Donnan, David  
 Eaton, P.  
 Echols, J. A.  
 Ellett, E. J.  
 Eskridge, A. P.  
 Estell, Harry  
 Evans, H. Tate  
 Fisher, W. H.  
 Flournoy, H. W.  
 Foster, G. M.  
 Fourqurean, J. M.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Fourqurean, M. H.  
 French, J. H.  
 Gambol, R. J.  
 Gardner, H. D.  
 Gardner, Miles H.  
 (W'd, Darbytown Road, Oct. 27, '64.)  
 Garrett, Ashton  
 Gildersleeve, R. B.  
 Goode, R. B.  
 Goode, W. E.  
 Gordon, Rev. E. C.  
 Green, W. H.  
 Green, W. W.  
 Gretter, F. P.  
 Gwinn, W. D.  
 (Killed, Darbytown R'd, Oct 27, '64.)  
 Hall, Charles  
 Hammond, J. Thomas  
 Hardwicke, J. T.  
 Harris, J. C.  
 Harris, J. L.  
 Hart, George  
 Herring, C. O.  
 Herring, W. D.  
 Hogg, Thomas  
 Houston, Archer  
 Houston, John W.  
 Houston, Rev. M. Hale  
 Huffard, D. S.  
 Hutchins, I. H. Jr.  
 (Died in prison.)  
 Hutchinson, J. H.  
 Jeter, F. A.  
 Johnson, George E.  
 Jones, A. O.  
 Jones, H. R.  
 Jones, Henry  
 Jones, I. L.  
 Jones, R. W.  
 Jones, Rev. E. V.

Jones, T. S.  
 Jones, W. Roy  
 Jones, W. T.  
 Keesee, J. M.  
 Keesee, Thomas O.  
 Lorraine, E. C.  
 Lyne, W. H.  
 Layne, George T.  
 Lear, J. S.  
 Lear, Rev. W. W.  
 Levy, D. A.  
 Lewis, Lucien  
 Liggan, S. H.  
 Lindsay, J. H.  
 Lyell, George J.  
 Lynham, John A.  
 Mahoney, F. J.  
 Mahoney, E. N.  
 (W'd, New Market, Aug. 16, 1864.)  
 Majors, S. C.  
 Manders, J. M.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Manders, John  
 Mann, Charles W.  
 Mann, W. M.  
 Matthews, W. D.  
 (Killed, Fredericksburg, Dec. 13, '62.)  
 Mayo, T. T.  
 Mayo, W. C. A.  
 (W'd, Spotsylvania C. H., May 18, '64.)  
 McCabe, W. Gordon  
 Miller, H. J.  
 Miller, James  
 Miller, T. M.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Minter, R. M.  
 (Died in service.)  
 Moore, J. B.  
 Morgan, I. H.  
 Morris, E. P.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Morrison, C. R.  
 Moseley, S. P.  
 Moultrie, James  
 Nicholas, R. C.  
 (Killed, Fredericksburg, Dec. 13, '62.)  
 Nicholas, S. S.

O'Conner, Pat  
 Pagard, Thaddeus  
 Page, Carter B.  
 Pairo, Thomas H.  
 Parker, George F.  
 Parkhill, Charles  
 Phillips, Jacob  
 Piet, W. A.  
 Plume, A. H.  
 Plume, Henry  
 Porter, David E.  
 Porter, G. P.  
 (Kil'd, Spotsylvania C.H., M'y 10, '64.)  
 Porter, George W.  
 Porter, P. B.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Porter, W. D.  
 Powell, J. P.  
 Price, R. Channing  
 Priddy, R. C.  
 Puller, W. B.  
 Ratcliffe, W. P.  
 Redd, L. W.  
 (Kil'd, Spotsylvania C.H., M'y 10, '64.)  
 Roberts, S. M.  
 Roberts, W. H.  
 (W'd, Spotsylvania C. H., May 10, '64.)  
 Roper, George R.  
 Royall, John B.  
 Rudolph, Horace W.  
 Santos, A. F.  
 Saunders, W. H.  
 Sclater, W. M.  
 Scott, George T.  
 Scott, P. G.  
 Seay, A. Booker  
 Shepherd, S. C.  
 Shepherd, W. G.  
 Sizer, John T., Jr.  
 Smith, E. H.  
 (Kil'd, Spotsylvania C.H., M'y 10, '64.)  
 Smith, George A.  
 (W'd, Fredericksburg, Dec. 13, '62.)  
 Smith, James H.  
 Smith, Rufus G.  
 (Died in service.)

Smith, W. B.  
Snead, W. G.  
Sublett, C. T.  
Sublett, E. H.  
Sublett, J. B.  
Sublett, S. F.  
Sublett, W. B.  
Sydnor, R. T.  
Taliaferro, A. F.  
Tate, R. H.  
(Killed, Darbytown R'd, Oct. 27, '64.)  
Taylor, W.  
Taylor, W. H. B.  
Thompson, W. G.  
Thornton, H. F.  
Tinsley, John B.  
Trice, John J.  
Tuck, W. T.  
Turner, R. G.  
Tyler, E. G.  
Vandeventer, J.  
Venable, A. R.  
Venable, McD. R.  
Waddell, J.  
Waddell, J. E.  
Wakeham, Alfred  
Wakeham, J. E.  
Wakeham, S. A.  
(Kil'd, Spotsylvania C.H., M'y 10, '64.)  
Wakeham, W.  
White, R. C.  
Whitlock, Thomas  
Winfree, Powhatan  
Winfree, R.  
Winn, E. A.  
Winn, John  
Winn, W. H.  
(Kil'd, Spotsylvania C.H., M'y 10, '64.)  
Wood, W. C.

## ADDRESS

BY

# Judge George L. Christian.

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### *My Friends and Comrades:*

I esteem it a great privilege to meet and to greet you around this board to-night—this night, which commemorates the erection of our beautiful memorial in this city, and which also commemorates the anniversary of one of our struggles for Southern independence and constitutional liberty on the victorious field of Fredericksburg. It is doubtless often asked by those who were opposed to us in the late war, and by those among us now who were too young or too craven to take part in the war, Why do these old Confederate soldiers, whose efforts are generally now accounted all in vain, who fought for a cause known now as the "Lost Cause," love to meet and celebrate those deeds, which brought only ruin and desolation in their train, and which failed so signally to accomplish what they wished? Is it natural, they doubtless ask, for men to love to celebrate and signalize their failures; and especially so when those failures were accompanied by so much suffering and sorrow? Well, my comrades, such questions as these never occur to us, and when propounded from any source the answers are easy to us. In the first place, our friendships were formed in the very throes of battle and cemented with our blood, and such friendships can only be severed by the hand of death.

Secondly, we knew during the war, and have learned to know better, if possible, since, that the cause for which we fought was the cause of *right* and *justice*, and we know the

muse of history will so record it when that record is made up by any impartial hand. We know, too, my comrades, that the impartial historian is obliged to add to that record the further fact, that the struggle we made in that cause was as gallant and as glorious as any ever made by any people of any land at any time, and that the struggle on our part is only marked by heroism, patriotism, and devotion to duty. With the knowledge of these things, then, as you and I know them to be true, we love to think and talk over our war deeds—to revive those memories of the best deeds of our lives; and we wish to teach our children and our children's children that we have done nothing of which we or they should be ashamed; but, on the contrary, we cherish the memories of that struggle as a priceless heritage, which we are proud to transmit to our posterity. Did you ever see a brave and true Confederate soldier who was ashamed of that fact in his history? I never did, and never expect to. Would this be true if our cause was an unholy or unjust one, or if the struggle we made in that cause had not been one of which any people might be proud? To ask this question is to furnish its answer. In the brief time allotted me, I have thought I could not employ it better than by the reading to you some extracts from the official reports of some of the battles in which we took part, and to let these young Howitzers, especially, hear what some of the commanding officers had to say of some of the deeds performed by the old Howitzer Battalion in our effort to preserve the inheritance bequeathed to us by our fathers of the Revolution; for it was this inheritance, and in the defence of our homes and firesides, and nothing more, that we staked our lives and our all. These extracts from these reports are what lawyers term the "best evidence" of what we did, and they tell their own story in their own way. They were not written by the "invisible in war and invincible in peace" writers, but by those who were "on the ground," who saw what they recorded at the time the deeds were performed, and by those who were the very impersonation of truth and of chivalry. I quote as follows:

General Magruder, in his report of the battle of Bethel, says:

"I cannot speak too highly of the devotion of our troops, all of whom did their duty nobly ; and whilst it might appear invidious to speak particularly of any regiment or corps where all behaved so well, I am compelled to express my great appreciation of the skill and gallantry of Major Randolph and his Howitzer Batteries."

Col. D. H. Hill, in his report of the same battle, says :

"I cannot close this too elaborate report without speaking in the highest terms of admiration of the Howitzer Battery and its most accomplished commander, Major Randolph. He has no superior as an artillerist in any country, and his men displayed the utmost skill and coolness."

General Magruder, in speaking of the conduct of his little army of the Peninsula, which held at bay McClellan's great army for so long at Yorktown, and in which the Howitzers bore a conspicuous part, says :

"From April the 4th to May the 3d this army served almost without relief in the trenches. Many companies of artillery (the Howitzers among them) were never relieved during this period. It rained almost incessantly. The trenches were filled with water, the weather was extremely cold, no fires could be allowed, the artillery and infantry of the enemy played upon our men almost continuously day and night, the army had neither coffee, sugar, nor hard bread, but subsisted on flour and salt meat, and that in reduced quantities ; and yet no murmurs were heard. \* \* \* I have never seen, and I do not believe there has ever existed, an army \* \* which has shown itself for so long a time so superior to all hardships and dangers. The best drilled regulars the world has ever seen would have mutinied under a continuous service in the trenches for twenty-nine days, exposed every moment to musketry and shells, in water to their knees, without fire, sugar, or coffee, without stimulants, and with an inadequate supply of uncooked flour and salt meat. I speak of this in honor of these brave men, whose patriotism made them indifferent to suffering, disease, danger, and death. \* \* \* The

steadiness and heroism of the officers and men of the artillery of the Peninsula (both heavy and light) were very conspicuous during the attack on April 5th, and throughout the siege which followed. The high state of efficiency of this arm of the service was mainly due to Colonel Randolph, the chief of artillery on my staff, who applied to its organization, discipline, and preparation for the field, the resources of his great genius and experience. To this intrepid officer and distinguished citizen the country is indebted for the most valuable services, from the battle of Bethel, where his artillery principally contributed to the success of the day, to the period when he was removed from my command by promotion. He was ably assisted by Lieutenant-Colonels Cabell and Brown, of the same corps."

Col. H. C. Cabell, who was in immediate command of the artillery during the siege of Yorktown, says :

"The skill and efficiency of our cannoneers was not only attested by my own observation, but by the accounts that have been published in the Northern papers. I ascribe their superior efficiency to the entire calmness and cool courage of our cannoneers and their superior intelligence. They had but little opportunity for practicing, though they had been taught the principles and science of firing. Their entire self-possession, united with courage, intelligence, and patriotic zeal, enabled them to practice the best rule for firing, 'fire with deliberate promptitude,' and insured their success."

Colonel Brown, in his report of the first battle of Fredericksburg, says :

"About 12 o'clock, by order of Colonel Crutchfield, I sent two Parrott rifles, under command of Lieutenant Graham, and two similar pieces from the Third Howitzers, under Lieutenant Utz, to report to Major John Pelham, on the right of the railroad. Shortly afterwards I was ordered to send to the same point four other rifle guns—viz., two ten-pounder Parrotts and one brass rifle from the Second Howitzers, and one three-inch rifle from Captain Dance's Battery—all under the command of Captain Watson, of the Second Howitzers. These eight guns were actively engaged, and suffered severely from the enemy's

artillery and sharpshooters. I have to lament at this part of the field the loss of a gallant and most excellent officer, Lieutenant Utz, commanding the Third Howitzers. I cannot refrain from expressing my high admiration for the conduct of the officers and men of my command in the action before Fredericksburg. After marching all of the previous night they came upon a field strewn with the wrecks of other batteries, and behaved in a manner which elicited the praise of all who saw them."

In his report of the same battle, and in which all three of the Howitzer companies bore a conspicuous part, General Lee says:

"The artillery rendered efficient service on every part of the field, and greatly assisted in the defeat of the enemy. The batteries were exposed to an unusually heavy fire of artillery and infantry, which officers and men sustained with a coolness and courage worthy of the highest praise."

General Lee, in his report of the battle of Chancellorsville, also says:

"To the skilful and efficient management of the artillery the successful issue of the contest is in a great measure due. The ground was not favorable for its employment, but every suitable position was taken with alacrity, and the operations of the infantry supported and assisted with a spirit and courage not second to their own. It bore a prominent part in the final assault, which ended in driving the enemy from the field of Chancellorsville, silencing his batteries, and, by a destructive enfilade fire upon his works, opened the way for the advance of our troops. Colonels Crutchfield, Alexander, and Walker, and Lieutenant-Colonels Brown, Carter, and Andrews, with the officers and men of their commands, are numbered as deserving especial commendation."

In Colonel Brown's report of the battle of Gettysburg, he says:

"In this engagement, as in the one at Winchester, the officers and men (of his battalion) behaved with the greatest

gallantry, fully sustaining the high character which they had previously borne."

Colonel Cabell, in his report of the same battle, says:

"I have not the language to express my admiration of the coolness and courage displayed by the officers and men on the field of this great battle. Their acts speak for them. In the successive skirmishes in which a portion of the battalion was engaged, and when placed in the line of battle near Hagerstown, their cool courage and energy was above praise. \* \* \* Passing over muddy roads, exposed to rain nearly every day, they bore the difficulties of the march without a murmur of dissatisfaction. All seemed engaged in a cause which made privation, endurance, and any sacrifice a labor of love."

General Rodes, in his report of the battle of Hagerstown, says:

"Here during the 13th, 14th, and 15th July, battle was again (and eagerly by my division) offered to the enemy. During these three days my division occupied the extreme left of the line of battle. Nothing of importance occurred here, excepting a brisk attack of the enemy's skirmishers (after being reinforced) and his cavalry upon Ramseur's sharpshooters. This attack was made late on the afternoon of July 14th, after the withdrawal of nearly all the artillery and all the main line of infantry. The enemy had unquestionably discovered this movement. His advance was so firmly and gallantly met by Ramseur's men and the Second Richmond Howitzers (Captain David Watson), that he fell back with the loss of many killed and wounded and about twenty of the cavalry captured."

General Long, in his report of the operations of the artillery of the Second Corps from October 8, 1863, to January 30, 1864, in which the second and third companies of Howitzers bore a prominent part, says:

"Before closing my report, I am particularly desirous of expressing my gratification at the soldierly qualities displayed by the officers and men of my command. I ever found them

obedient, active, and energetic, and enthusiastically anxious to meet the enemy."

He then pays especially high compliments to Colonel Brown, Colonel Cutshaw, Major Hardaway, and Lieut. S. V. Southall.

General Pendleton, in his report of the battles of the Wilderness and Spotsylvania Courthouse, referring especially to the action of May 10, 1864, says :

" In the afternoon the enemy, having massed a large force in front of the Second Corps, left centre, under cover of a pine thicket, made a sudden attack upon Dole's Brigade, which, having no skirmishers out in consequence of the close proximity of the lines, was taken entirely by surprise. The brigade gave way for a season and the enemy entered our works and captured Smith's Battery (Third Howitzers), of Hardaway's Battalion. Our infantry, being soon rallied and reinforced, repulsed the enemy, with considerable loss, and recovered the guns. The captain had fought his battery until he was actually seized by soldiers from the enemy's ranks, and some of his men were carried off by the retreating foe and not recovered. On this occasion Hardaway's guns alone were engaged, and were exceedingly well served. Two of Cutshaw's batteries were hastened up for the crisis and put in position to command the broken line."

\* \* \* \* \*

Major David Watson (formerly captain of Second Howitzers), second in command of Hardaway's Battalion, an accomplished gentleman, faithful patriot, and gallant soldier, fell at his post during this attack. Lieutenant-Colonel Hardaway was also wounded—only slightly, however, though his clothes were riddled with bullets. He did not leave the field.

In speaking of the action of May 12, 1864, in which the Howitzers also bore a conspicuous part, General Pendleton says :

" Hardaway's Battalion was moved forward and posted to command the rear of the salient (the bloody angle), Captain Dance in command, Lieutenant-Colonel Hardaway having been wounded in the act of advancing to the front. Colonel

Cabell also came up from the left with four of his guns and took position on the left of Dance's. These guns were brought up and used with admirable steadiness under a severe fire. \* \* \* On the left, from early dawn, column after column of the enemy, as it came up to assault, was shivered by the tremendous destructiveness of missiles hurled upon them at close range from our guns."

In speaking of the engagement on the 18th, he says :

"On the morning of the 18th the enemy again attempted to carry the line still held by the Second Corps near the scene of the former conflict. This time, however, he met guns in position ready to receive him. His heavy force was allowed to get within good range of the breastworks. There the guns under Colonel Carter (Hardaway's Battalion and Page's reorganized) opened upon him a murderous fire of spherical case and canister, which at once arrested his advance, threw his columns into confusion, and forced him to retreat in good order. Heavily as he suffered on this occasion, our loss was nothing; and this was accomplished against a force of twelve thousand picked infantry by twenty-nine pieces of artillery alone but well handled."

General Ewell gives substantially the same account in his report of this engagement.

The foregoing is only a sample of what the reports of the different battles in which the Howitzer Battalion, or parts of it, were engaged at different periods of the war, which show the character of the services rendered by this command in the struggle of the South for right and freedom. They are only what I had the time to gather up in the two hours which I had to devote to that which to me would have been a very "labor of love" indeed. In this enumeration, as you will see, I have omitted entirely the names of the victorious fields of Williamsburg, Seven Pines, Cold Harbor, Richmond, Gaines' Mill, Malvern Hill, Manassas, Leesburg, Sharpsburg, Morton's Ford, Charlestown, North Anna, Petersburg, and many others which have witnessed the deeds of one or all of these old veteran companies, and to recount which would be worthy of any

tongue or pen that could be employed, and which deeds will be sung in song and in story when you and I have passed away, and when our children shall take up the strain where we leave it off. Carlisle says, "Universal history is nothing but the record of the individual men who made that history" ; and so I say to you, my old comrades, that the history of the fame of the Army of Northern Virginia is nothing but the record of the splendid deeds of valor and devotion to duty of the individual soldiers who composed that grand army ; and so you and I, and every old Howitzer and soldier who did his duty in that army, is entitled to share both in its glory and in the fame of its incomparable leaders, which has gone "echoing around the world."

The heroic names of Randolph, Brown, Watson, Moseley, McCarthy, Stanard, Jones, Utz, Garnett, Morton, Pendleton, Maupin, Charles, Burley Brown, and a host of others I could mention, whose names and deeds we are not willing to let die, and to commemorate whose virtues we have erected our memorial to-day, will grow brighter and brighter on the roll of fame of the heroes of our Southland when you and I shall be dead and forgotten; and the reason for this will be found in the fact that these men "died for their State," and for what they knew then, and what you and I know now, was **THE RIGHT**.

"Eternal right, though all else fail,  
Can never be made wrong."

The old Howitzer, then, who served his gun well in the Confederate army, served his country faithfully at the same time, and deserves well now at the hands of his countrymen. The cause for which we fought is not a "lost cause," but is to-day the only foundation on which constitutional liberty and the right of local self-government exists in this country, and the day is not far distant when this will be recognized as true by every impartial writer or thinker.

But these old Howitzers did not stop their services to their country when they grounded their well-worn and well-served arms on the fatal field of Appomattox; they returned from

that field to find the prosperous and peaceful homes from which they had enlisted four years before, a very picture of desolation, devastation, ruin, and almost of despair.

“Where my home was glad were ashes,  
For horror and shame had been there.”

\* \* \* \* \*

Yes, my comrades, literally—

“We have seen from the smoking village  
The mothers and daughters fly;  
We have seen where the little children  
Sank down in the furrows to die.  
From the far-off conquered cities  
Came the voice of stifled wail,  
And the mourns and shrieks of the houseless  
Rang out like a dirge on the gale.”

So that, whilst our surrender almost broke our hearts, this was but the “beginning of our sorrows.” So sorely did we find our land and our people, and all that was dear to us, stricken and smitten by the hand of the invader, who was not content to war against our armies, but “with fire and sword” warred against our homes, and our women and children, too. Nor was this all. We went forth to defend sovereign States; we returned to find these States held and treated by the victors as conquered provinces. Instead of dear old Virginia, we found in its stead “Military District, No. 1,” over which ruled for a time, successively, an Ord, a Canby, a Terry, a Stoneman, and a Schofield. If we had not been used to meeting and overcoming seeming impossibilities for four years, would not our hearts have sunk into irretrievable despair as we viewed this condition of affairs—this land that we loved so dearly, and all our dear people, and institutions, trampled under the iron heel of military power, and the country swarming with the “vilest vermin” in the shape of the camp-follower, the “carpet-bagger,” the “scalawag,” *et id omne genus*, that ever gathered outside of the regions of the infernal? Literally, chaos had “come again,” and there was no heart brave

enough, and no hand strong enough, to bring order out of this chaos but that of the old Confederate soldier. He saw the great task before him, and with the aid of Providence, with the help of the purest, the best, the bravest, and the sweetest women in this world, and with their smiles and benedictions to cheer him, this old Confederate has reconverted these military districts into States again, after the "form and fashion" of their fathers, and as the "Solid South" they form the hope and mainstay of constitutional liberty in this country to-day. Not only this, but the camp-follower, the "carpet-bagger," and "scalawag" are no more, and to-day the "model communities" of this continent, those in which Christianity and all of those virtues which it inculcates prevails to the highest degree, are to be found in this Southland of ours. 'Tis true we are not rich like our brethren of the North, but we are developing in material prosperity year by year; and there are some things, thank God, which we prize more than money, for we recognize the truth that—

"Ill fares the land, to hastening ills a prey,  
Where wealth accumulates and men decay."

In this work both of the moral and material development of our land, the old Howitzer has been no laggard. We have only to look over this city and State to see them in the forefront of every walk and profession in life, and it is no arrogance to say that they are regarded among those who constitute the bulwarks of society and safety in the country.

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